

**CONSERVATORSHIP
BUILDING INSPECTION REPORT
AND PHOTOGRAPHS**

PROPERTIES:

**402 WEST MARKET STREET
FORMER GARFIELD DINER**

**404-406 WEST MARKET STREET
APARTMENT BUILDING**



OFFICE OF CODE ENFORCEMENT

CITY OF POTTSVILLE, PENNSYLVANIA

401 N. CENTRE ST., P.O. BOX 50, POTTSVILLE, PA 17901 - 0050

(570) 622-1234

2-15-2023

TO: Kattelin Rogue
PO BOX 13006
Harrisburg, PA 17110

Attorney Ed Brennan
306 Mahantongo Street
Pottsville, PA 17901

RE: Conservatorship of 402-404-406 West Market Street Pottsville PA, 17901

The following is a report documenting all building violations in the properties of 402 West Market Street and 404-406 West Market Street. The violations listed in this report are cited from the 2018 International Building Code (IBC), the Accessible and Usable Building and Facilities (ICC A117.1-2009), 2015 International Property Maintenance Code (IPMC), PA Uniform Construction Code and City of Pottsville's Codified Ordinances.

402 West Market Street (Formerly the Garfield Diner)

1. The handicap ramp located on the front of the building facing West Market Street currently does not meet ADA standards. There are several issues with the ramp:
 - a. Continuous graspable handrailing must be provided on both sides of the ramp for the entire length. This includes all ramp runs, switchbacks, doglegs and landings. (ICC A117.1-2009 Section 505.3)
 - b. The top gripping surface of the handrail must be between 34 inches and 38 inches and must be a consistent height. (ICC A117.1-2009 Section 505.4)
 - c. The handrailing must have a clearance of 1 ½ inches between the railing and adjacent surfaces. (ICC A117.1-2009 Section 505.5)
 - d. The gripping surfaces shall be continuous, without interruption by newel posts, other construction elements, or obstructions. (ICC A117.1-2009 Section 505.6)
 - e. Handrails must not rotate within their fittings. (ICC A117.1-2009 Section 505.9)
 - f. The handrailing must extend 12 inches beyond the top and bottom ramp runs. (ICC A117.1-2009 Section 505.10.1)
 - g. The newel posts on the ramp are not properly anchored and are not capable or supporting imposed loads. There are several newel posts when force is applied to them that are lifting the deck boards up. (2018 IBC Section 1607.8)
2. The decorative metal siding located on the exterior of the building that is either damaged or deteriorated. The siding is pulled away from the building and is allowing water to get

- in behind the siding. The siding needs to be repaired or replaced to prevent further water damage from occurring. (2018 IBC Section 1402.2)
3. On the rear of the building facing West Arch Street the electrical service for the building is located on a pole next to the rear door of the Diner. When the rear door is opened the door hits the electrical service. This installation is extremely dangerous and needs to be fixed immediately. (2015 IPMC Section 604.3)
 4. Currently the roof of the diner is a rubber roof. The roof has several workmanship issues that must be addressed immediately to prevent further water damage to the building.
 - a. The seams of the rubber roof were not properly installed which in turn cause the overlap of the rubber to separate. The seams which run the entire length of the roof from the front to the rear of the building, were patched with roofing tar. Roofing tar is not an acceptable method of repair for rubber roofing. When roofing tar is used on rubber roofing there is a reaction with the tar which causes it to dry out, shrivel and crack. Which in turn reintroduces leaks and causes pooling of water on the roof where the tar was applied. (2018 IBC Section 1506.1) (2015 IPMC Section 304.7)
 - b. As you walk on the roof there are several areas where the roof is "soft" which means the insulation board under the rubber is saturated with water and is soft when you walk on it. This is the result of water leakage over a period of time. (2018 IBC Section 1503.1) (2015 IPMC Section 304.7)
 - c. There are 8 vent penetrations on the roof that were not properly installed. The rubber roofing was cut to go around the penetrations and no vent flashing or boots were used. (2018 IBC Section 1503.2)
 - d. At the front of the building where the Garfield Diner sign sits there are four support cables supporting the sign. Where these supports penetrate the roof, they were covered in roofing tar to prevent leaking. (2018 IBC Section 1503.2)
 - e. Also, in the same location where the sign supports are anchored to the roof there is a light installed at each support. The roof penetrations are not properly sealed they are coated in roof tar. (2018 IBC Section 1503.2)
 - f. On the roof there are several electrical wires that are run across the roof. The wires are not protected from physical damage. In addition to not being protected the wires are spliced together. Wires cannot be spliced without being installed in approved junction boxes for the location in which they are installed. The installation of these electrical wires is dangerous and need to be fixed immediately. (2015 IPMC Section 605.1) (2015 IPMC Section 604.3)
 5. On the West wall of the diner there is an electrical wire that is run from the basement of 404-406 West Market Street into the Diner. The installation of this wire is a fire hazard you can not run a wire from one building to another. Additionally, the wire is not protected from physical damage and it is not supported to any structure. The wire needs to be removed immediately to eliminate the fire hazard. (2015 IPMC Section 605.1) (2015 IPMC Section 604.3)

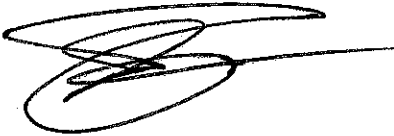
6. On the inside of the Diner in the front vestibule are the floor is cracked which is a trip fall hazard. The cracked floor also is a sanitary issue because you can not properly clean this area. (ICC A117.1-2009 Section 302.1) (2015 IPMC Section 305.4)
7. When you enter the Diner the floor from the front to the rear of the building in the seating/service area is covered in water. The water is from the leaks in the rubber roof. Water is coming out of the ceiling vents and the ceiling tiles are saturated with water which is causing the ceiling to bubble. The countertop has also sustained water damage and is beginning to separate because of it. (2018 IBC Section 1506.1) (2015 IPMC Section 304.7)
8. Over the service area there are several light fixtures that have sustained water damage. When you look at the light fixtures you can see water sitting in the light currently and also where water has leaked from them previously. (2015 IPMC Section 604.3.1.1) (2015 IPMC Section 604.3)
9. Throughout the Diner in the service/seating area, the front corner and the kitchen there is shelves filled with outdated food, drinks, and candy. The food has expiration dates of 2021 so it is not safe for consumption and more importantly is an attractant for rats, mice and other rodents. The food needs to be disposed of properly to prevent rodent infestations. (2015 IPMC Section 309.1) (2015 IPMC Section 604.3)
10. In the kitchen the fryers are filled with old cooking oil and white mold is growing inside the fryer. The fryers need to be drained and sanitized to prevent further mold growth. (2015 IPMC Section 404.7)
11. In the kitchen the gas cook top can not be used, it is currently sitting on a wooden table which is a fire hazard. (2015 IPMC Section 603.1) (2015 IPMC Section 603.3) (2015 IPMC Section 603.4)
12. In the rear of the building there is a step of steps which leads to the basement. The roof over the steps has a leak and is causing damage to the ceiling. The roof needs to be replaced to prevent further damage and the ceiling needs to be removed and replaced. (2018 IBC Section 1506.1) (2015 IPMC Section 304.7)
13. In the basement at the bottom the step's is the furnace which would need to be completely serviced by a licensed professional before it can be started. At this time, it is unknown if the furnace works. I would not start the furnace until it has been inspected and serviced by a licensed professional. (2015 IPMC Section 603.1)
14. As you move toward the front of the Diner on the floor is a hole busted in the concrete floor. In the hole is a drain pipe that is busted, there is no drain grate in the pipe and on the side of the pipe the cleanout plug is busted off. There are floor trenches cut in the floor to direct ground water that is penetrating the foundation walls to the drain. However, the hole and the trenches are trip/fall hazards, the trenches should have a grate on top of them and the drain needs to be fixed and the hole filled in. (2015 IPMC Section 504.3) (2015 IPMC Section 305.4)
15. The gas hot water heater is exhausted with a PVC pipe and the pipe needs to be removed. When you look at the PVC pipe you can see where it has started to sag due to the heat in the pipe. This is a fire hazard and should be piped out with a metal pipe capable of

- withstanding the temperatures from the exhaust. (2015 IPMC Section 603.1) (2015 IPMC Section 603.2)
16. On the rear foundation wall is the electrical service for the building. There is a main disconnect followed by 4 boxes with throw switches, the boxes are not labeled. To the right of the throw switches there are two panel boxes, a main panel and a sub panel. The panels are not labeled so we cannot determine what boxes operate what parts of the Diner. There is also a third panel box located on the wall in the service area of the Diner. All electrical panels and switches should be labeled as to what they are used for. (2015 IPMC Section 605.1)
 17. In the basement there are several locations where there are junction boxes that do not have covers. All junction boxes must have covers on them. There are wires that are run in the basement that appear to be live wires and they are just hanging from the ceiling without being capped off. The bare wires are exposed at the end of their run which is a fire hazard and a shock hazard. (2015 IPMC Section 604.3) (2015 IPMC Section 605.1)
 18. All the wiring run in the basement is not properly supported along the length of their runs. All wiring must be properly supported and protected from physical damage. (2015 IPMC Section 605.1)
 19. The plumbing in the basement needs to be completely removed and new plumbing lines run. There are numerous issues with the plumbing from lack of clean outs, improper fittings, incorrect pitch on the pipe, using dissimilar materials and improper support. (2015 IPMC Section 504.1)
 20. The metal floor deck of the diner has deteriorated in several places along the west side of the building. The worst of the areas is located in the vicinity of the walk-in cooler. Outside the walk-in cooler in the kitchen is also a floor drain. It appears as though the deterioration in this area is a combination of damage from the cooler leaking and also from the floor drain leaking. The floor in this area would need to be removed and replaced. (2015 IPMC Section 304.1.1)
 21. After the Diner closed the current owner tried to convert the building into a retail store. The building was used as a restaurant which is an A-2 occupancy classification and now is being used for retail sales which is an M occupancy classification. This is a change of use and you need a new certificate of occupancy for the new use of the building. (PA Uniform Construction Code Chapter 403 Section 403.42)
 22. No permits, stamped drawings or certificate of occupancy applications were received by this office. We will need stamped drawings for the change of use of the building. (PA Uniform Construction Code Chapter 403 Section 403.42)
 23. I noticed while at the property that you are selling food and drinks as well. The building was never inspected for the sale of food or beverages. You do not currently have a food and beverage license from the city. You will need to have an inspection and obtain a license before you can reopen. (City of Pottsville Ordinance Chapter 126)
 24. The current owner does not have a business license with the City of Pottsville. (City of Pottsville Ordinance Chapter 201)
 25. Upon further investigation it was discovered that you do not have water service to the building. The water was shut off due to the sewer bill not being paid. You cannot

operate a business without running water. The water will also need to be turned on before the property can be reopened. (2015 IPMC Section 108.1.3)

26. It also appeared as though you have gaming machines in the building and they are not licensed with the city. All gaming machines need to be licensed with the City Tax Office. (City of Pottsville Ordinance Chapter 201)

Yours truly,

A handwritten signature in black ink, appearing to read "Justin Trefsgar". The signature is stylized with overlapping loops and a long horizontal stroke extending to the right.

Justin Trefsgar
City of Pottsville
Code Enforcement Officer

404-406 West Market Street (Apartment Building)

1. The property at 404-406 West Market Street when I arrived was unsecured. The side door on the East side of the building had a hasp and keeper installed with a padlock. The padlock was not locked on the door allowing free access to the property. The rear door in the kitchen was also not secured. There was a stack of plywood leaning against the door to block it. In the basement in the front of the building towards West Market Street there is a door that accesses the grocer's alley. This door was also not locked or dead bolted. In the grocer's alley in the front of the building there is a door which leads you onto the sidewalk at West Market Street. The door was also unsecured and standing half way open giving unrestricted access to the building. (2015 IPMC Section 301.3) (2015 IPMC Section A101.1)
2. In the front of the basement facing West Market Street there are two oil tanks that are no longer being used. There is no longer an oil furnace in the basement so the tanks need to be drained. The tanks appear to be ¼ full and we do not need the tanks to leak into the ground. Currently there is a dirt floor basement in the building an oil leak would require extensive remediation. (2015 IPMC Section 603.1) (2015 IPMC Section 603.4)
3. There is a newer hot water heater installed in the basement which was never inspected nor was a permit pulled for the installation. The hot water heater was not wired properly and it was also missing an overflow pipe. (2015 IPMC Section 505.4) (PA Uniform Construction Code Chapter 403 Section 403.42)
4. In the front West corner of the basement there is junk and construction debris piled up on the floor. The junk and construction debris needs to be cleaned up and disposed of properly. (2015 IPMC Section 308.2)
5. In the basement there are several locations where there are junction boxes that do not have covers. All junction boxes must have covers on them. There are wires that are run in the basement that appear to be live wires and they are just hanging from the ceiling without being capped off. The bare wires are exposed at the end of their run which is a fire hazard and a shock hazard. (2015 IPMC Section 604.3) (2015 IPMC Section 605.1)
6. There are three Romex wires that run from the basement out into the grocer's alley. One wire goes into the West wall of the Garfield Diner. Which is dangerous you can not power two separate buildings off of one panel box. If there was a problem with this circuit and the apartment building was locked you would not be able to turn the breaker off for this circuit. Also, the other two wire run up to the second and third floors of the building. Wire can not be run in this manner it is extremely dangerous. The wires must be protected from physical damage and also from damage from water and the sun. (2015 IPMC Section 604.3) (2015 IPMC Section 605.1)
7. The panel box in the basement does not have a cover installed on it nor is there a cover in the room for the panel box. Panel boxes must be provided with cover and all circuits labeled. (2015 IPMC Section 604.3) (2015 IPMC Section 605.1)
The first floor of the apartment building has no working kitchen, bathroom, living room or bathroom. Several walls have the wall coverings removed. The floor coverings need to be replaced in order to keep the apartment sanitary. The ceilings have water damage

and all water damaged material must be removed and replaced. In the living room the ceiling is completely removed and repairs to the second floor joists have been made. The repairs were never permitted or inspected. All work that was done to the floor joists will need to be removed because it was not properly done. The windows need to be replaced on the entire first floor due to deterioration. There is no working plumbing, mechanical or electrical systems in place. The first-floor apartment currently sits it is an unsafe structure and is unfit for human occupancy. (2015 IPMC Section 305.1) (2015 IPMC Section 401) (2015 IPMC Section 402) (2015 IPMC Section 403) (2015 IPMC Section 404) (2015 IPMC Section 501) (2015 IPMC Section 502) (2015 IPMC Section 503) (2015 IPMC Section 504) (2015 IPMC Section 505) (2015 IPMC Section 506) (2015 IPMC Section 507) (2015 IPMC Section 601) (2015 IPMC Section 602) (2015 IPMC Section 603) (2015 IPMC Section 604) (2015 IPMC Section 605) (2015 IPMC Section 606) (2015 IPMC Section 607) (2015 IPMC Section 701) (2015 IPMC Section 702) (2015 IPMC Section 703) (2015 IPMC Section 704)

8. The second floor of the apartment building has no working kitchen, bathroom, living room or bathroom. Half of the walls have the wall coverings removed. The floor coverings need to be replaced in order to keep the apartment sanitary. The ceilings have water damage and all water damaged material must be removed and replaced. Where the rear addition meets the original front portion of the building repairs to the second-floor joists have been made. The repairs were never permitted or inspected. All work that was done to the floor joists will need to be removed because it was not properly done. Also, in the same area there are no fewer than 6 roof rafters that are deteriorated or damaged due to the roof failure. The rafters must be removed and replaced along with the roof decking and the rubber roof. Currently the rubber roofing has a pool of water that has formed at the intersection of the roof and the wall of the 3-story portion of the building in the front. The windows need to be replaced on the entire second floor due to deterioration. There is no working plumbing, mechanical or electrical systems in place. The second-floor apartment currently sits it is an unsafe structure and is unfit for human occupancy. (2015 IPMC Section 305.1) (2015 IPMC Section 401) (2015 IPMC Section 402) (2015 IPMC Section 403) (2015 IPMC Section 404) (2015 IPMC Section 501) (2015 IPMC Section 502) (2015 IPMC Section 503) (2015 IPMC Section 504) (2015 IPMC Section 505) (2015 IPMC Section 506) (2015 IPMC Section 507) (2015 IPMC Section 601) (2015 IPMC Section 602) (2015 IPMC Section 603) (2015 IPMC Section 604) (2015 IPMC Section 605) (2015 IPMC Section 606) (2015 IPMC Section 607) (2015 IPMC Section 701) (2015 IPMC Section 702) (2015 IPMC Section 703) (2015 IPMC Section 704)
9. The third floor of the apartment building has no working kitchen, bathroom, living room or bathroom. Some of the walls have the wall coverings removed or they are beginning to fall down. The floor coverings need to be replaced in order to keep the apartment sanitary. The ceilings have water damage and all water damaged material must be removed and replaced. The windows need to be replaced on the entire second floor due to deterioration. There is no working plumbing, mechanical or electrical systems in place. The third-floor apartment currently sits it is an unsafe structure and is unfit for human occupancy. (2015 IPMC Section 305.1) (2015 IPMC Section 401) (2015 IPMC Section

402) (2015 IPMC Section 403) (2015 IPMC Section 404) (2015 IPMC Section 501) (2015 IPMC Section 502) (2015 IPMC Section 503) (2015 IPMC Section 504) (2015 IPMC Section 505) (2015 IPMC Section 506) (2015 IPMC Section 507) (2015 IPMC Section 601) (2015 IPMC Section 602) (2015 IPMC Section 603) (2015 IPMC Section 604) (2015 IPMC Section 605) (2015 IPMC Section 606) (2015 IPMC Section 607) (2015 IPMC Section 701) (2015 IPMC Section 702) (2015 IPMC Section 703) (2015 IPMC Section 704)

10. On the exterior of the building on the front of the property facing West Market Street. There are several places on the front brick where the mortar joints have cracked and they need to be repointed. The windows need to be properly sealed around the frames to prevent water damage. The front door trim needs to be removed and replaced due to deteriorated wood. (2015 IPMC Section 304.2)
11. The East wall of the building needs to be repainted due to the current condition with chipping and peeling paint. All the windows need to be resealed and flashed properly to prevent further water damage. Along the window sills some flashing has been removed or damaged and is currently letting water infiltrate the sill to the exterior wall. The door on the side of the building needs to be replaced. On the side of the building the sidewalk leading from the rear lot to the grocer's alley needs to be removed and replaced. The retaining wall on the side of the building needs to be removed because it is falling down. (2015 IPMC Section 304.2) (2015 IPMC Section 304.13) (2015 IPMC Section 304.15)
12. On the rear wall of the 3-story portion of the building where the 2-story addition meets. There is significant water damage to the exterior wall. This is the source of the damage to the roof rafters and the second-floor joists. Due to damage on the exterior wall most likely caused by a roof leak has allowed water to infiltrate the exterior wall and roof. The water infiltration has caused the exterior wall finish to deteriorate and a second-floor window to fail. The roof needs to be replaced and all damaged material on the roof and exterior wall to be replaced. On the rear of the two story portion of the building the rear steps need to be removed and replaced. The brick steps are falling apart and are dangerous. The rear porch roof needs to be removed due to the lumber deteriorating. The rear door needs to be replaced because it is damaged and can not be properly resecured. Also the rear wall needs to be repainted due to the chipping a peeling paint. (2015 IPMC Section 304.2) (2015 IPMC Section 304.13) (2015 IPMC Section 304.15)
13. The main roof on the three-story portion of the building is in poor condition and needs to be replaced. (2018 IBC Section 1506.1) (2015 IPMC Section 304.7)

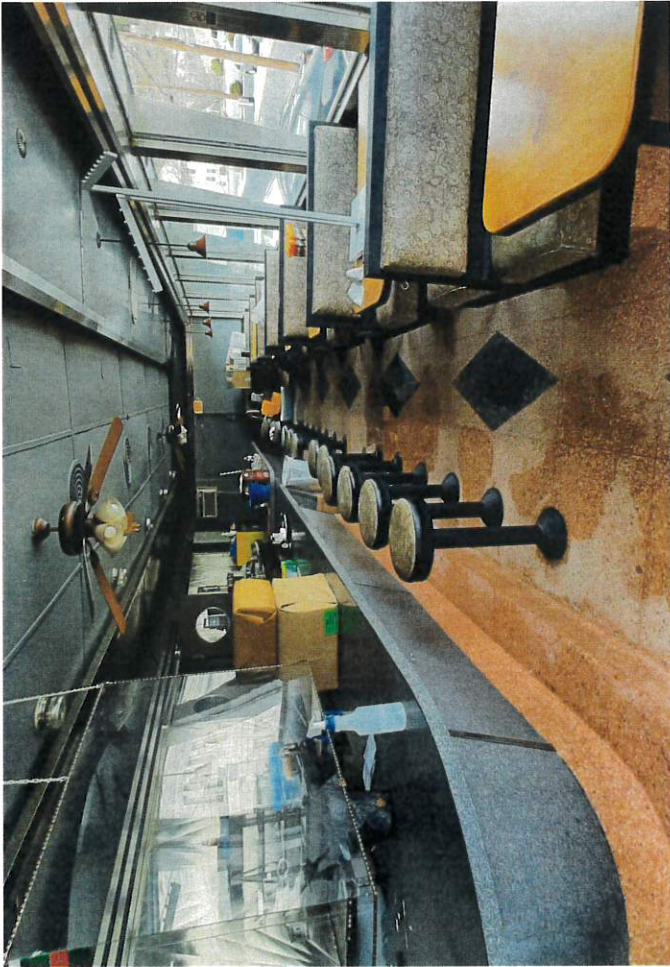
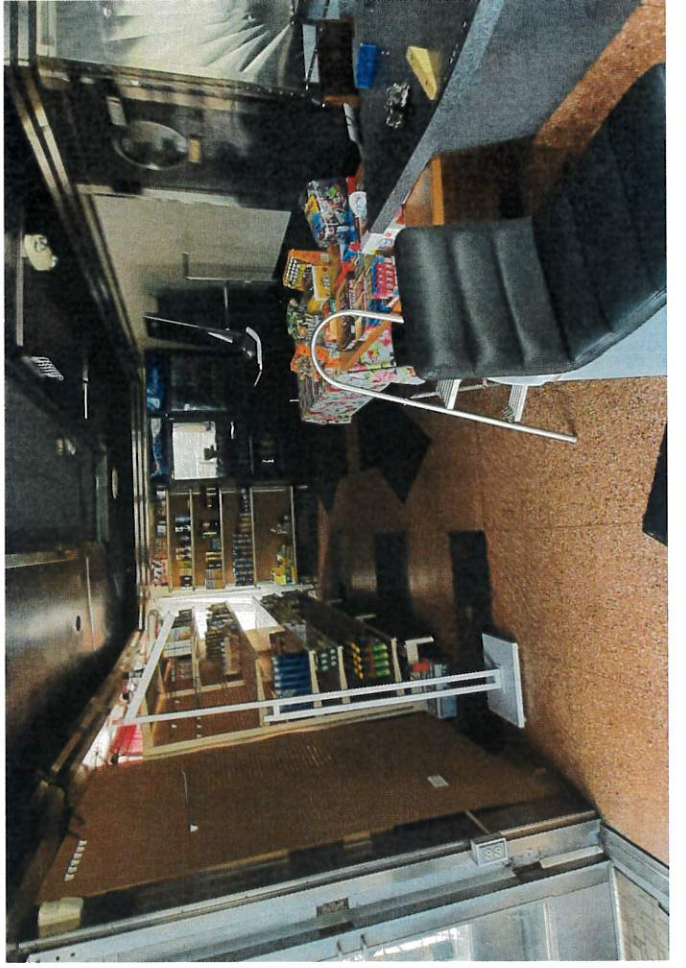
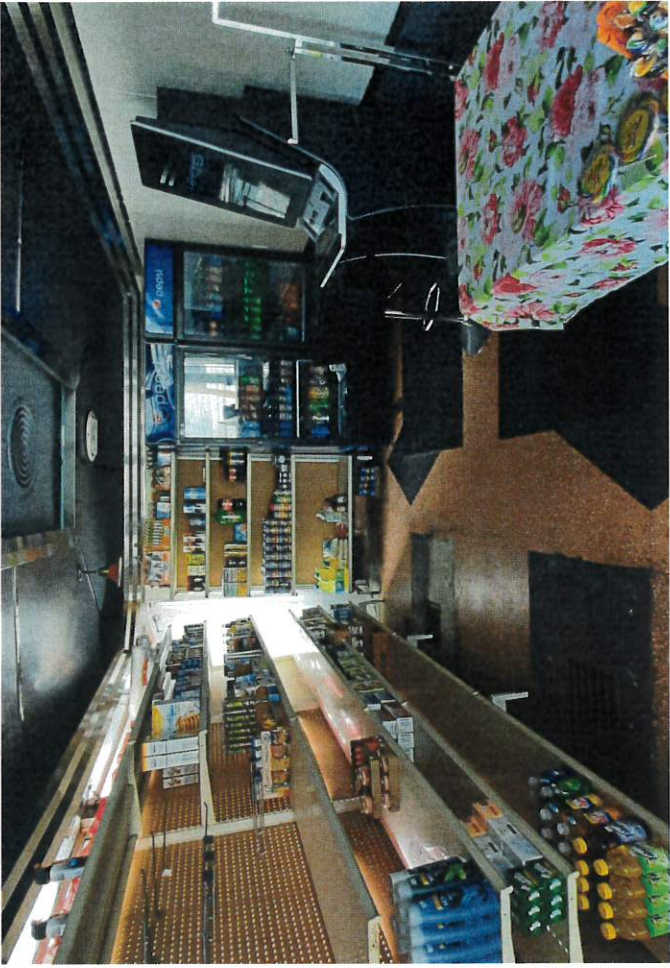
Yours truly,

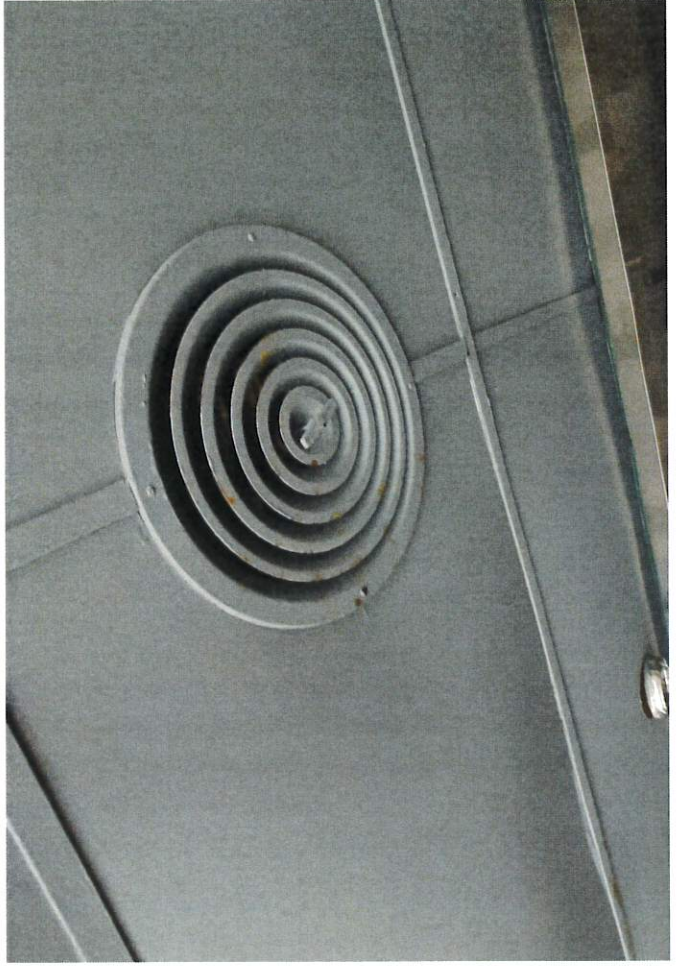


Justin Trefsgger
City of Pottsville
Code Enforcement Officer

GARFIELD DINER 402 W. MARKET STREET

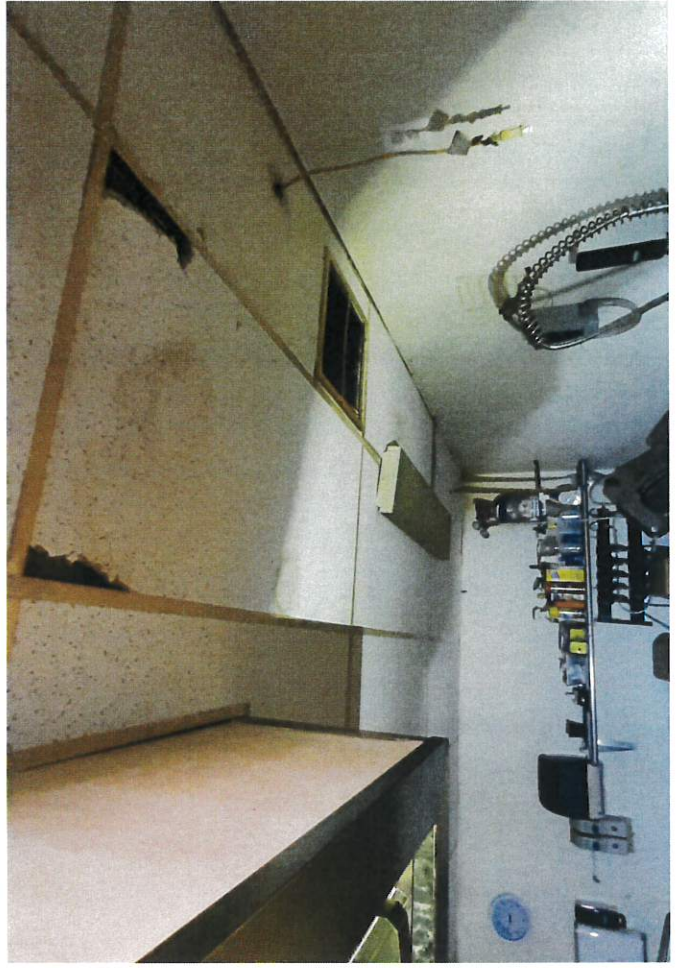


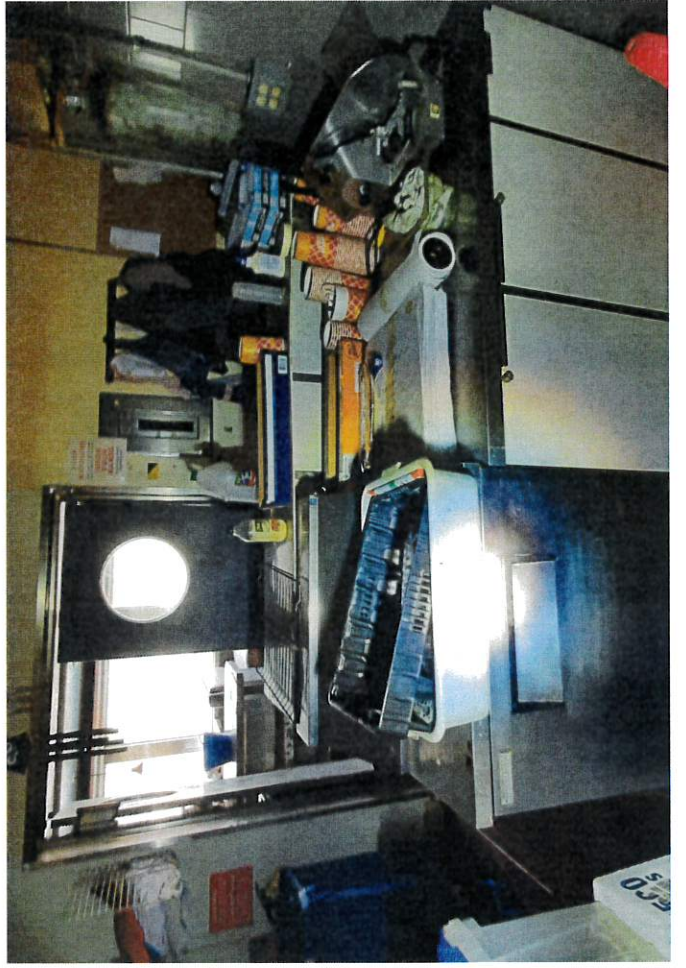


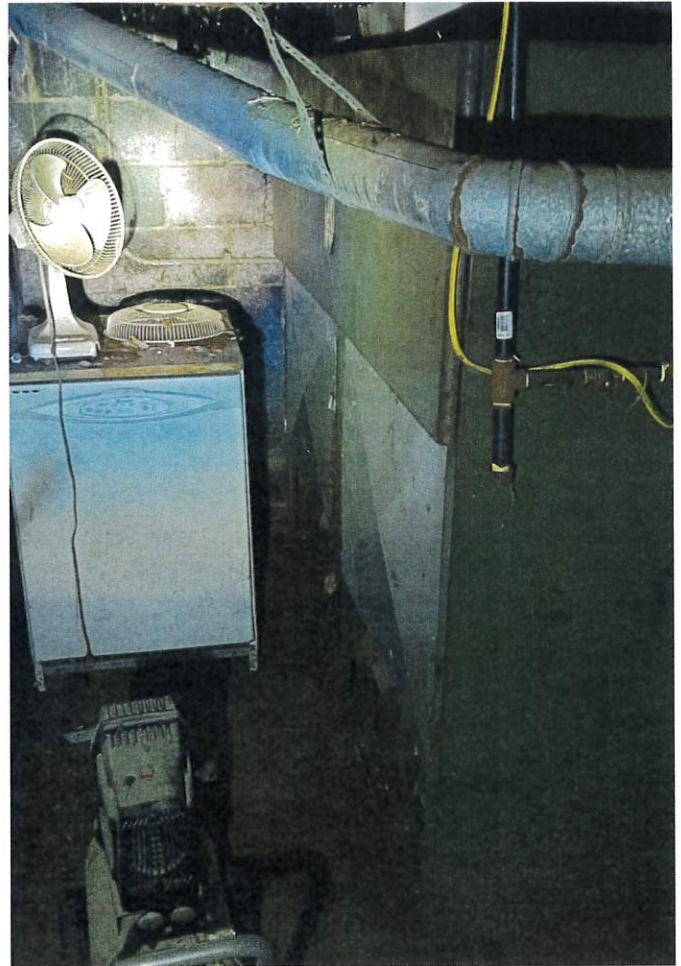
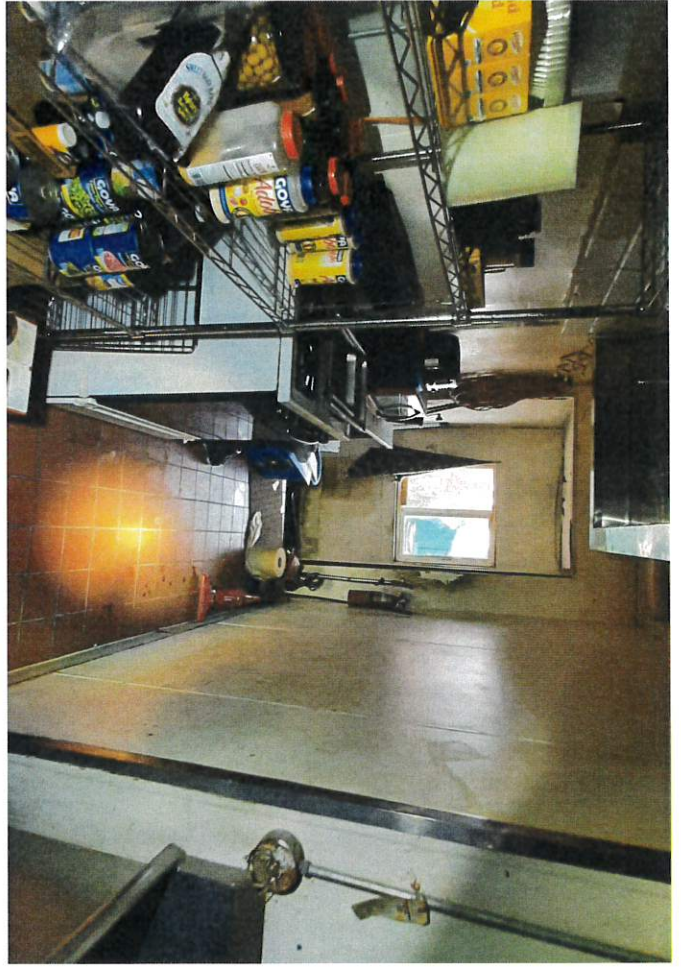


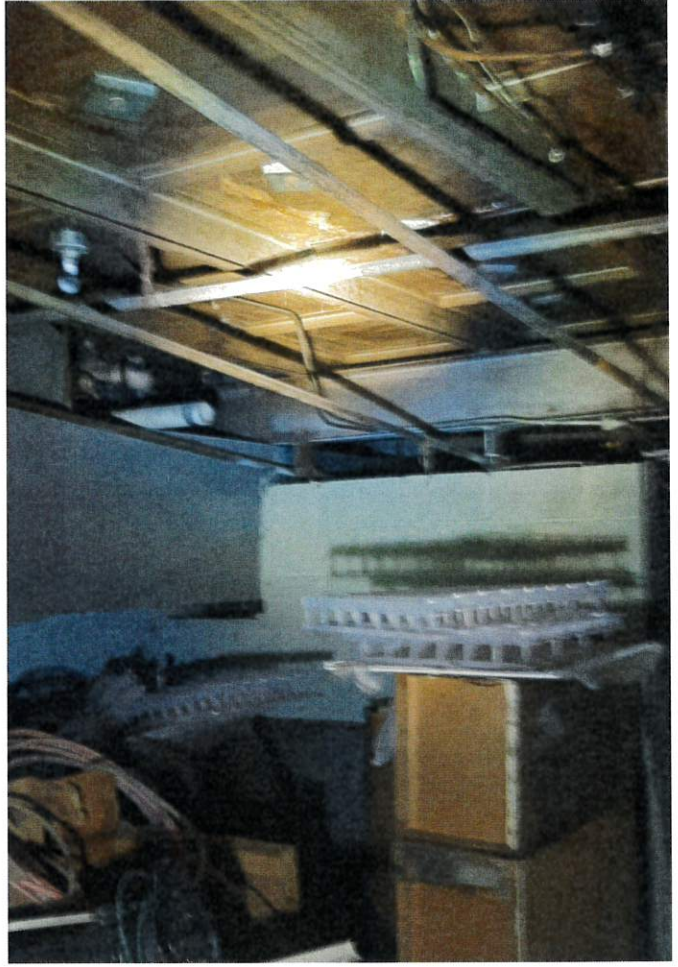
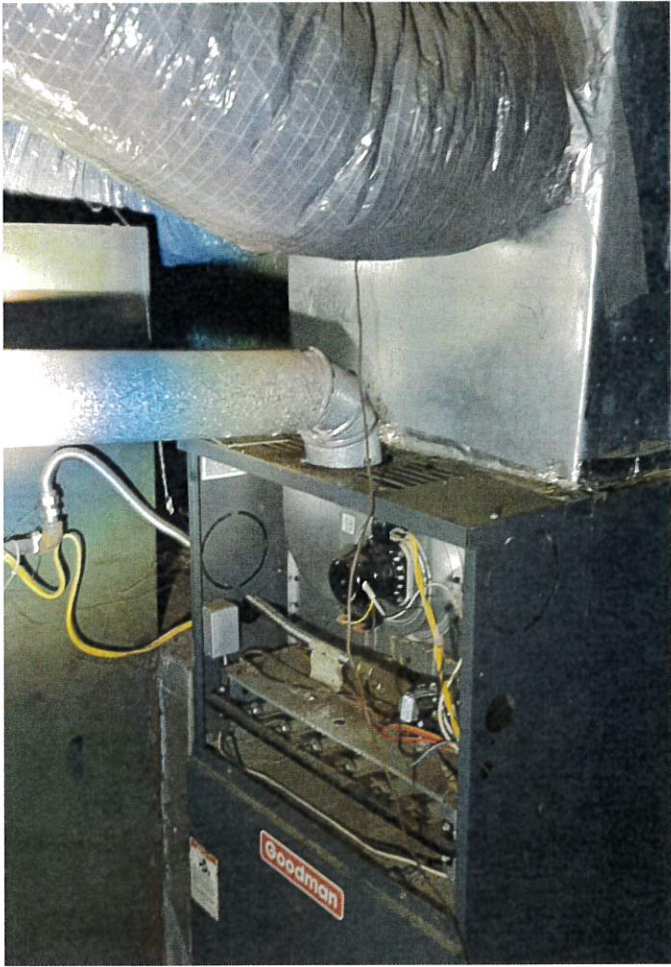


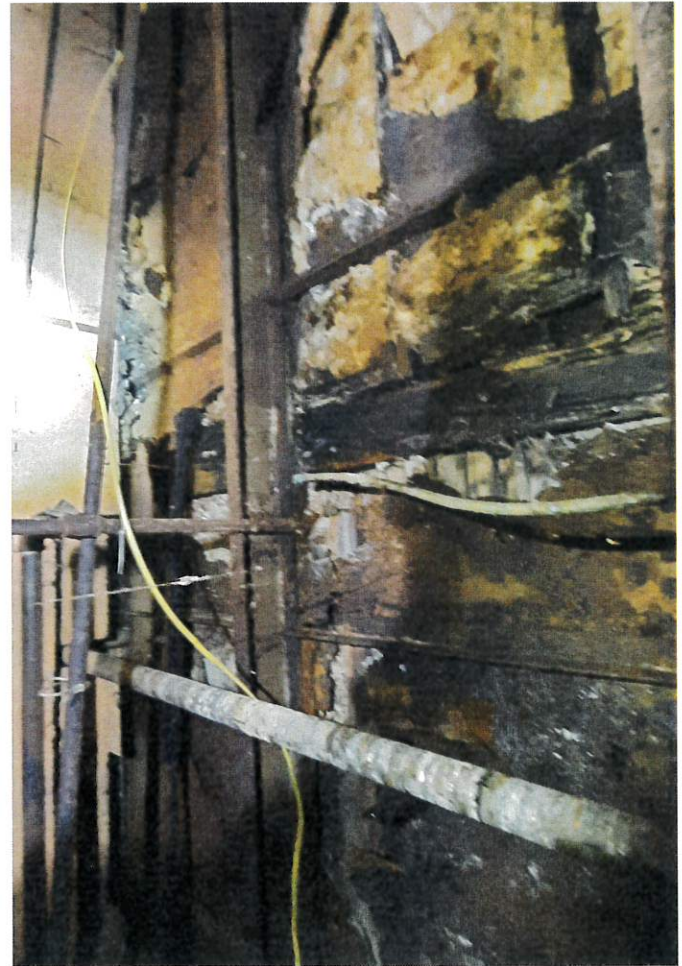
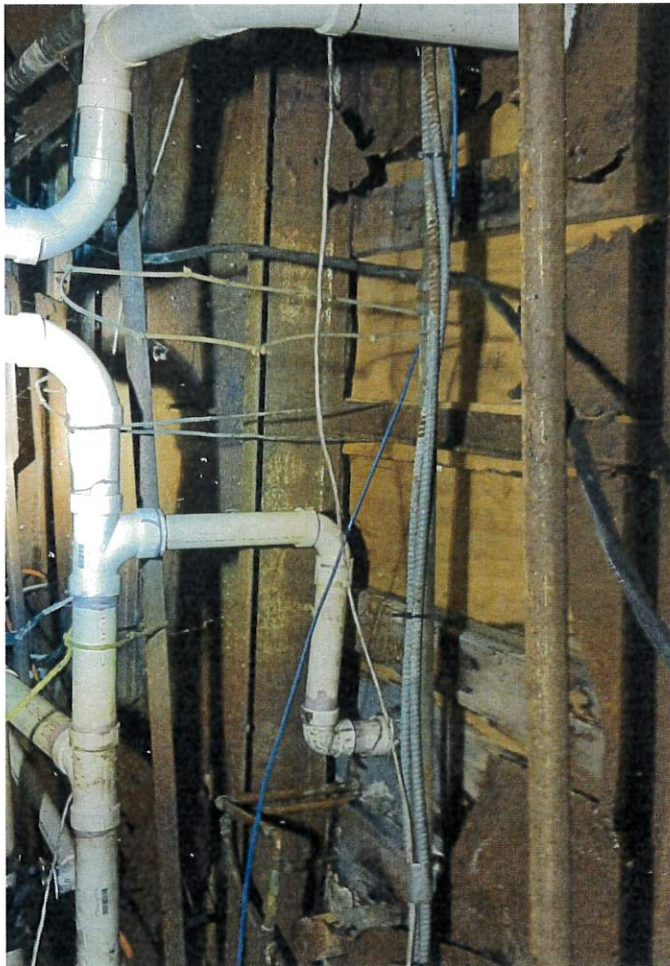
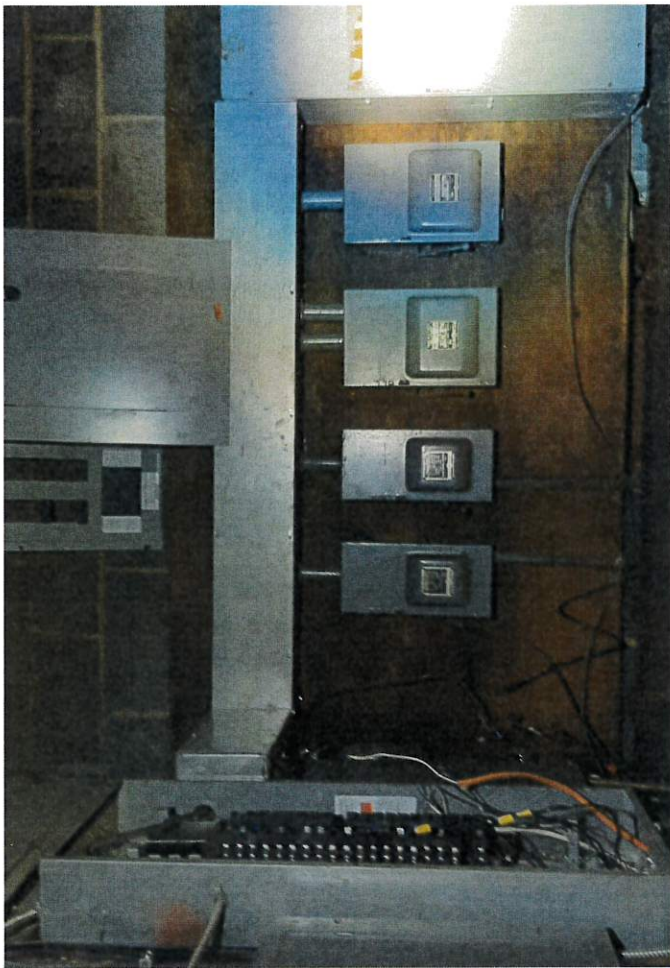


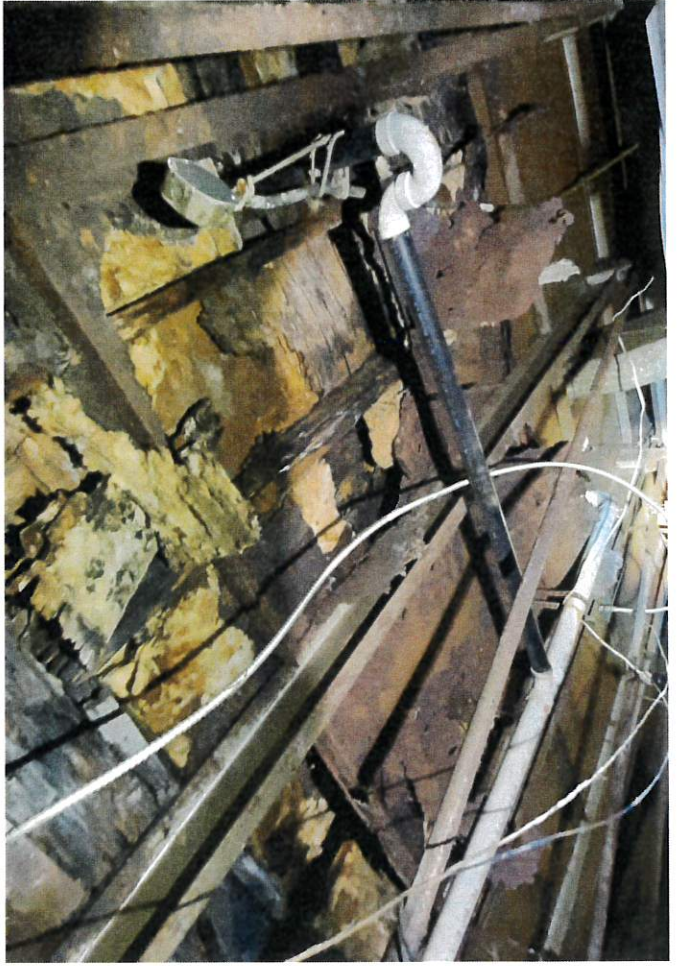


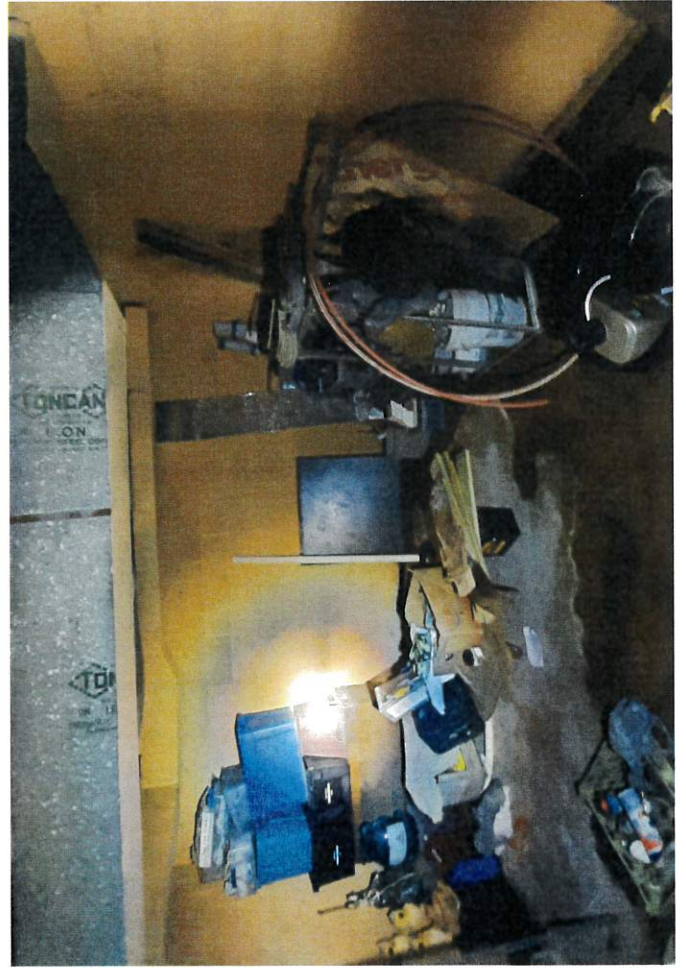


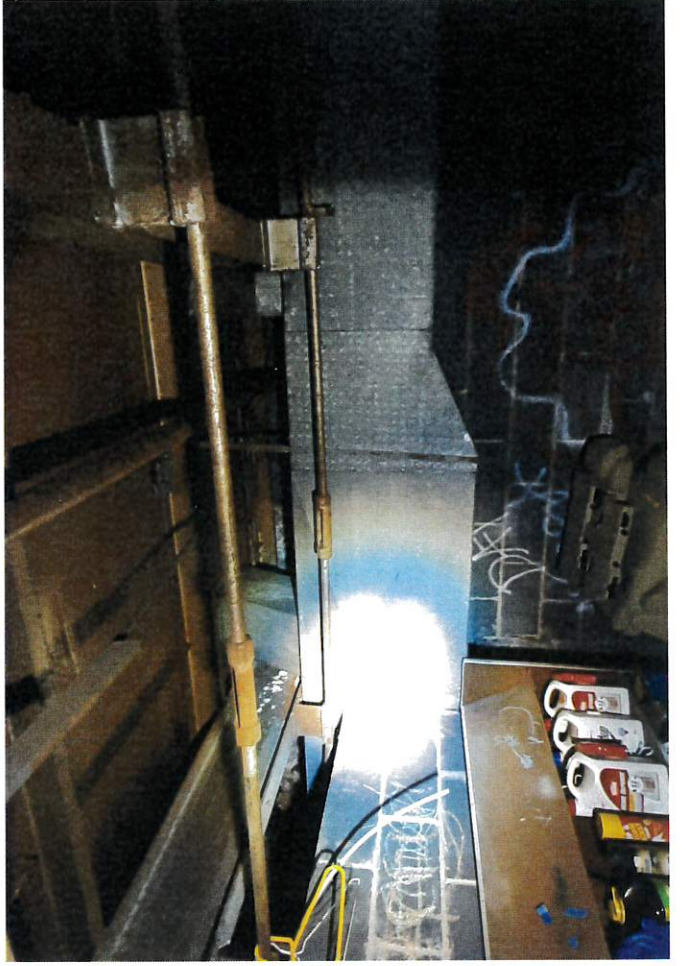
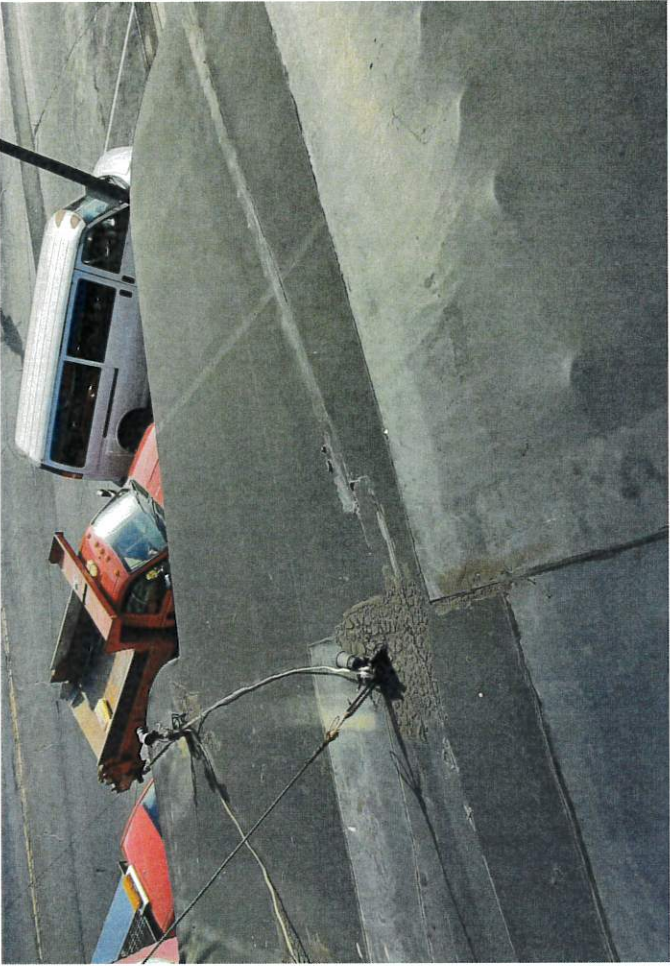


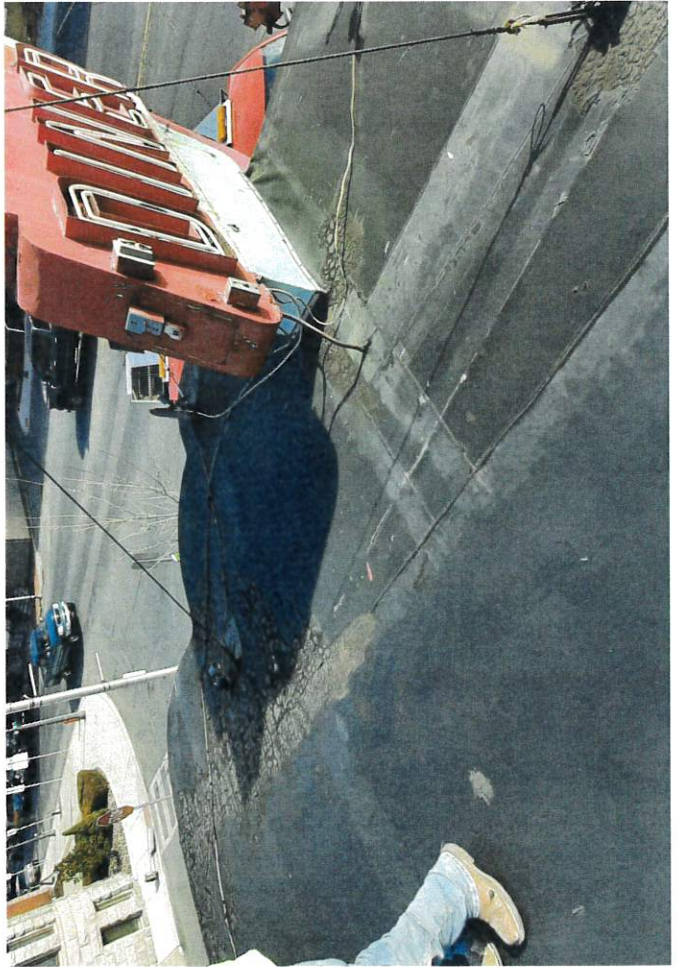
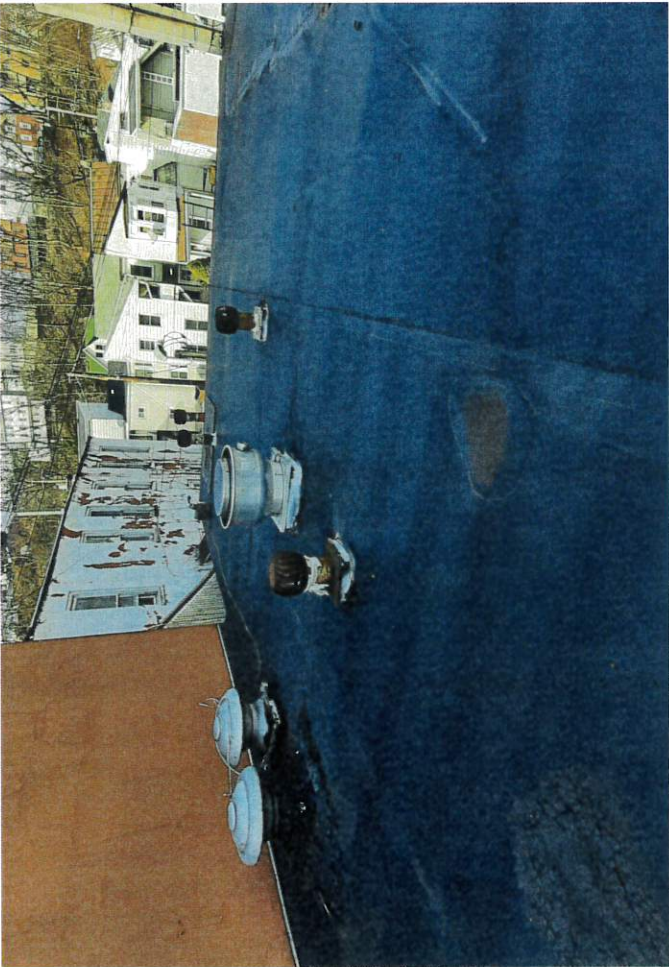


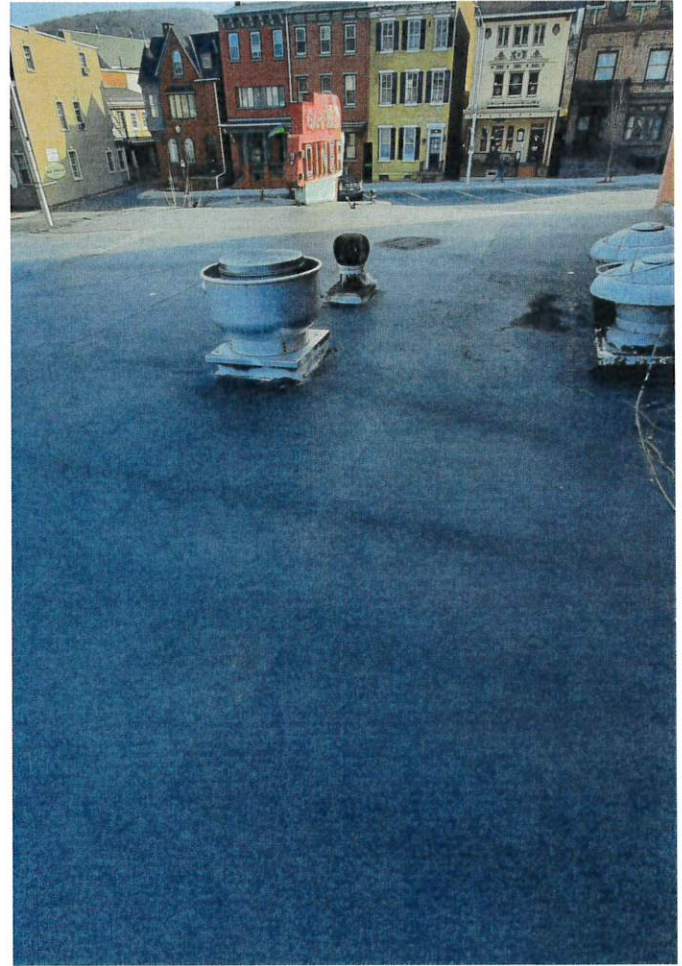
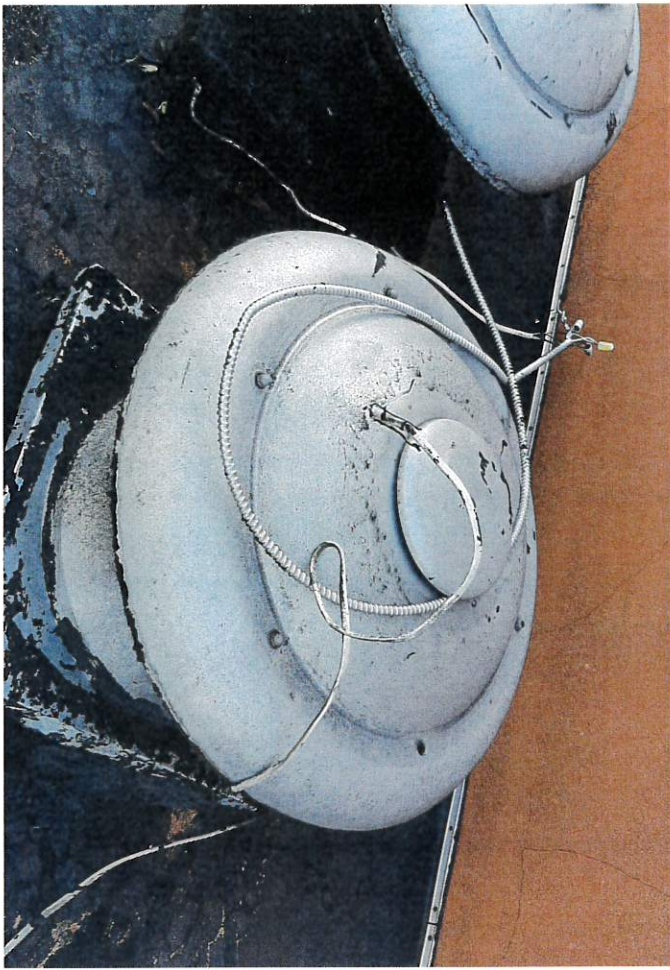


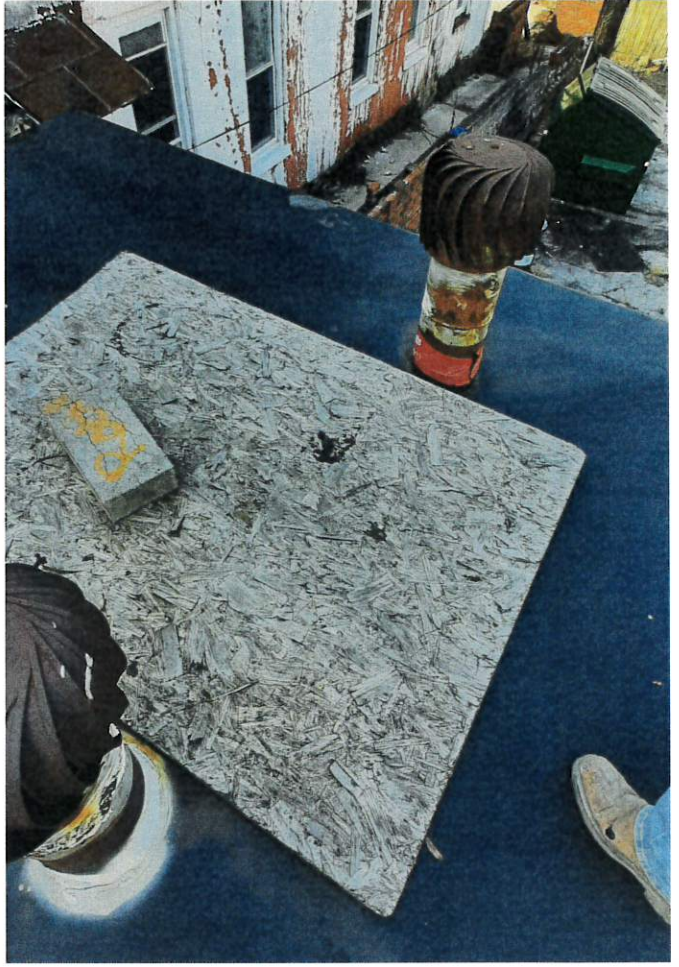
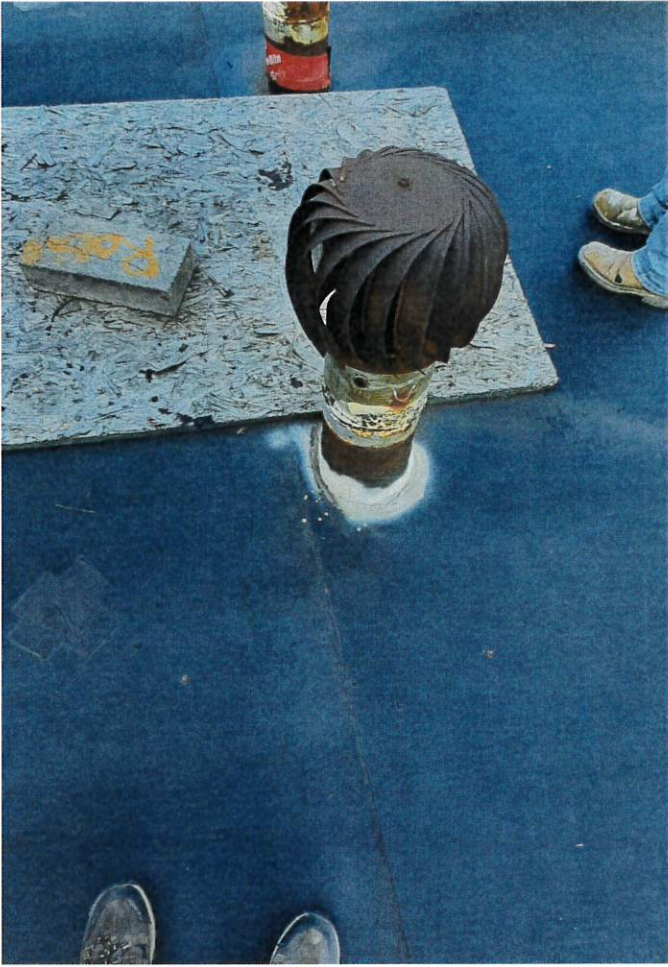








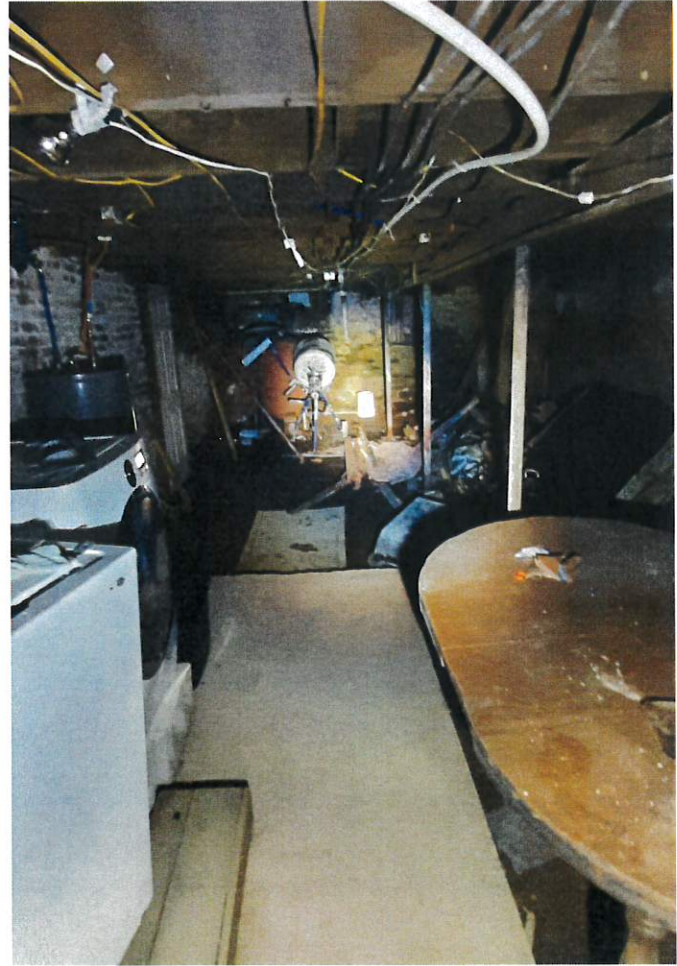
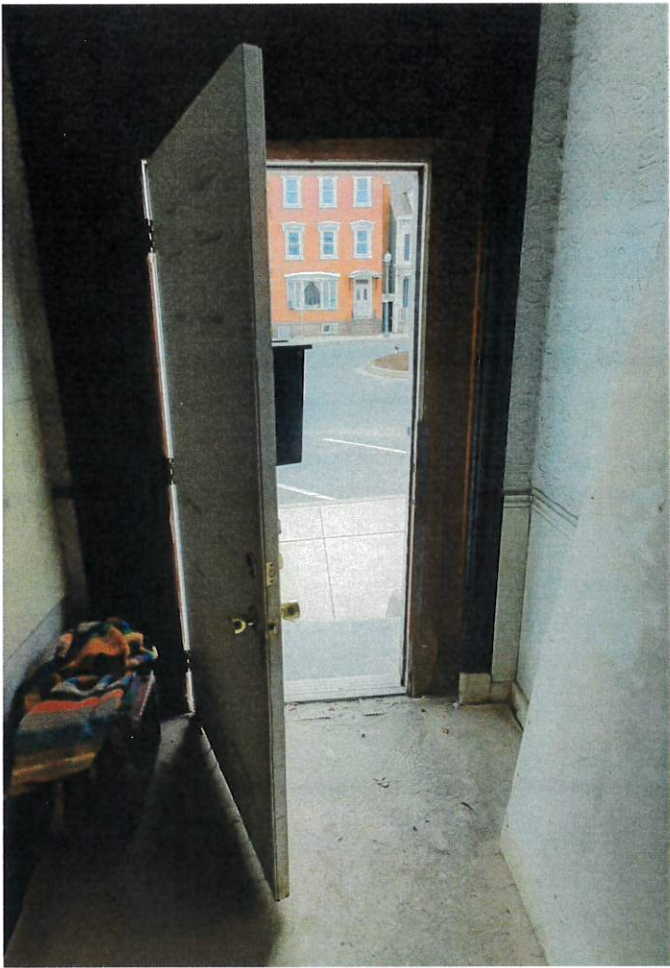


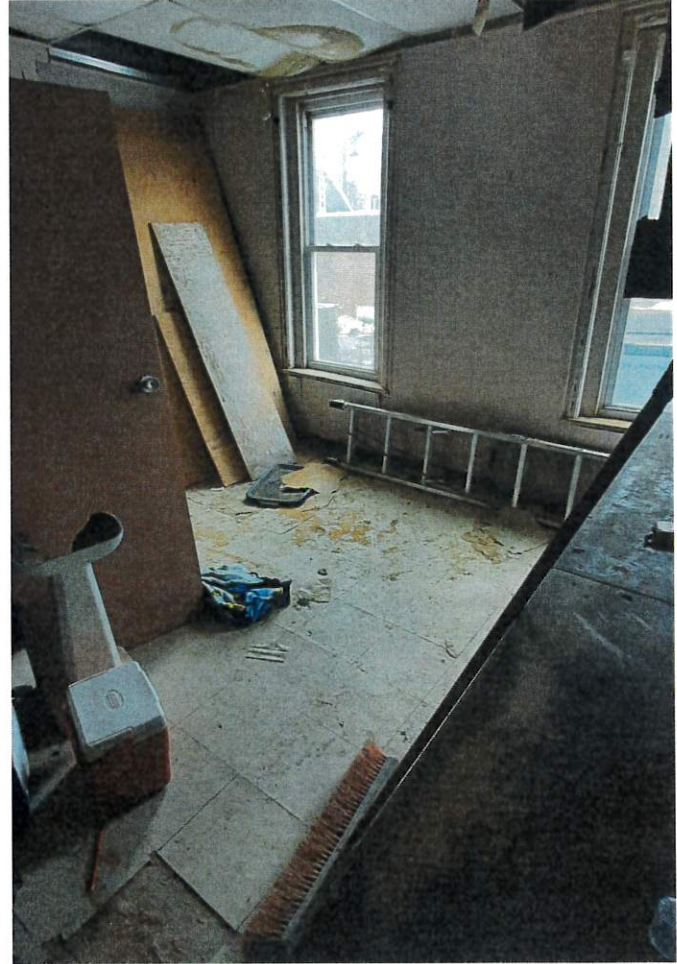
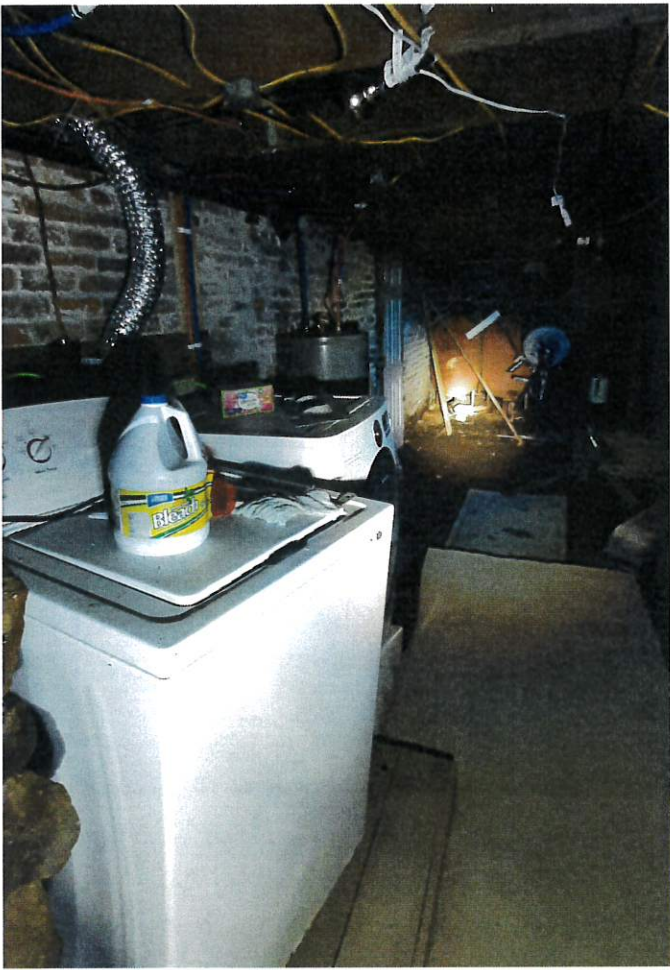




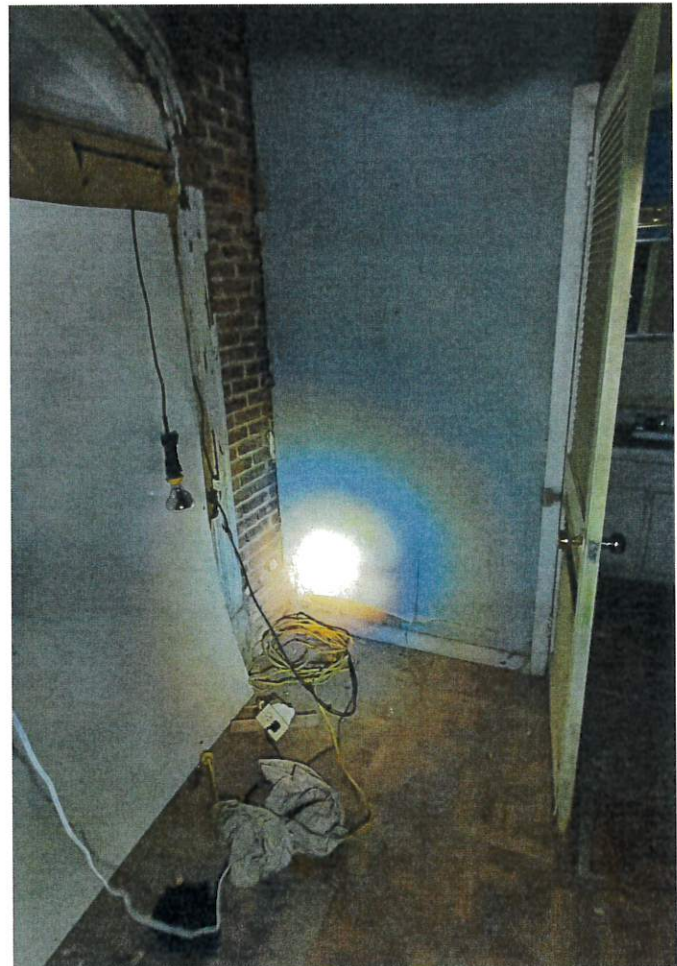
404-406 W. MARKET STREET

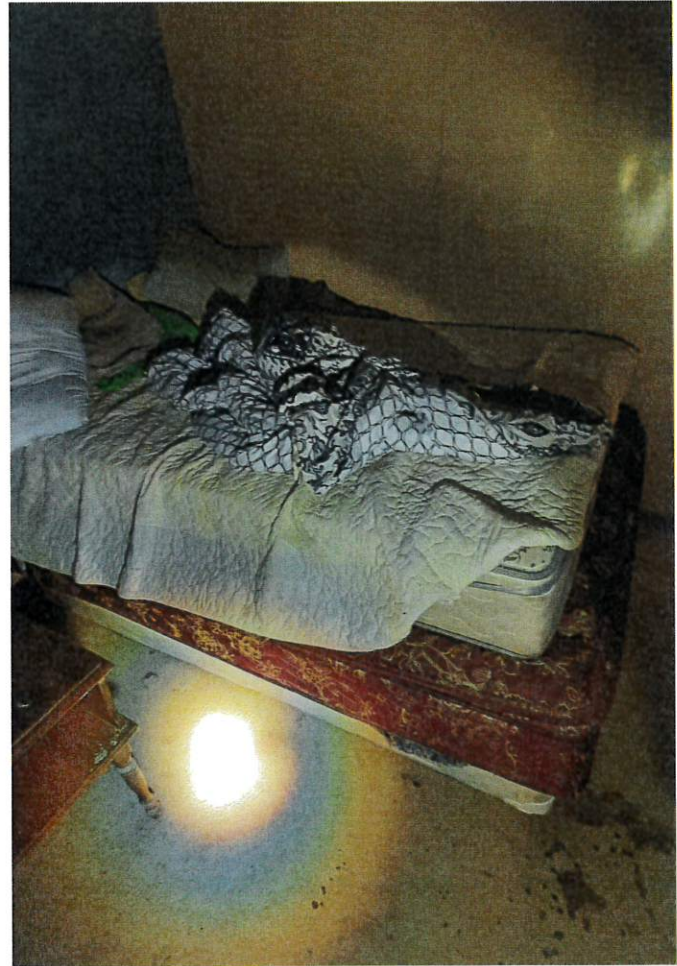
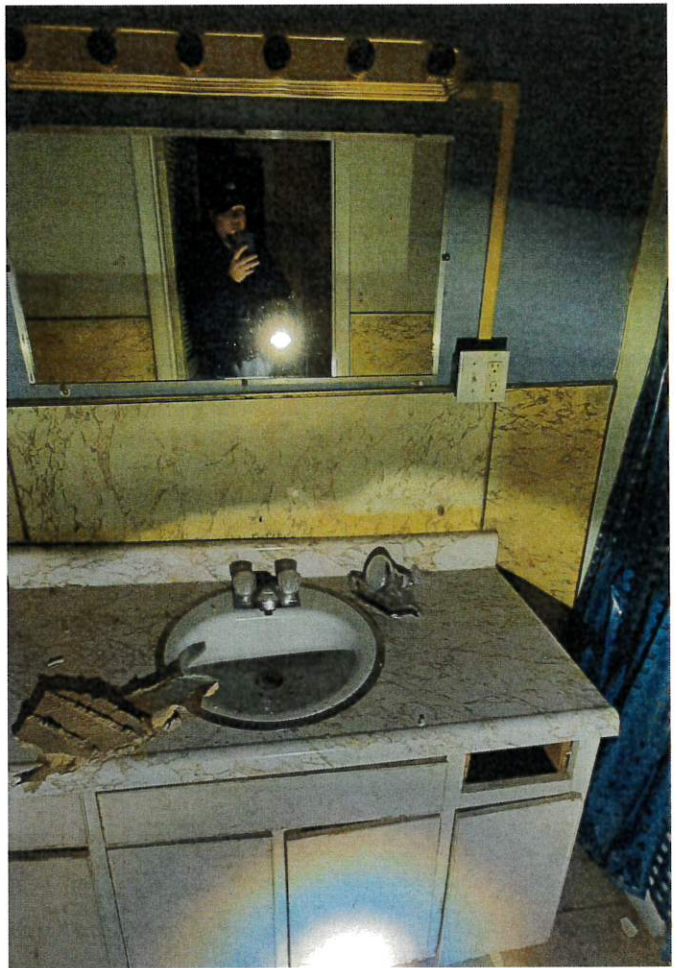


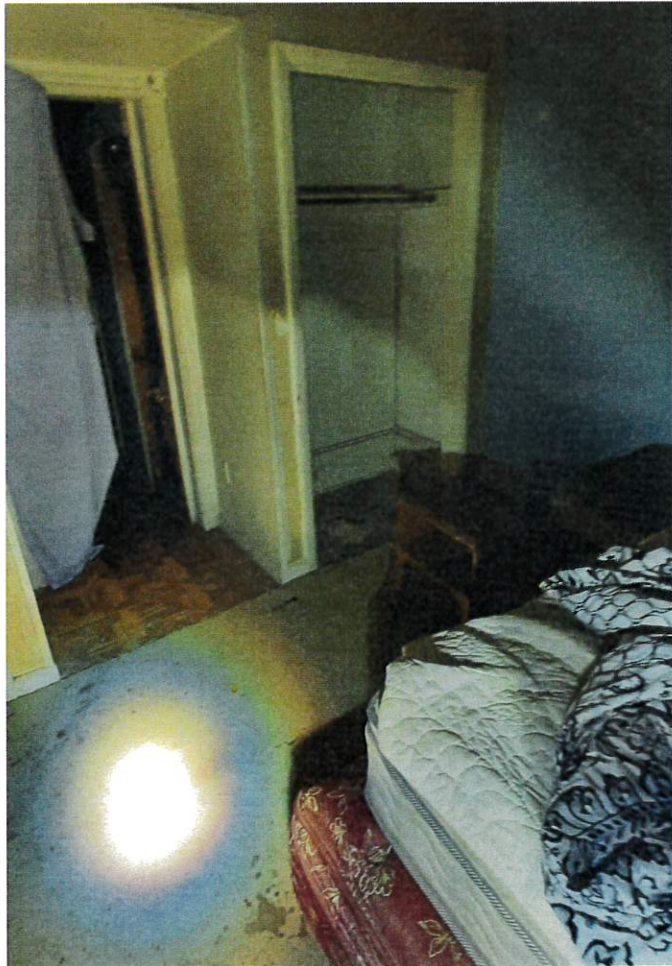


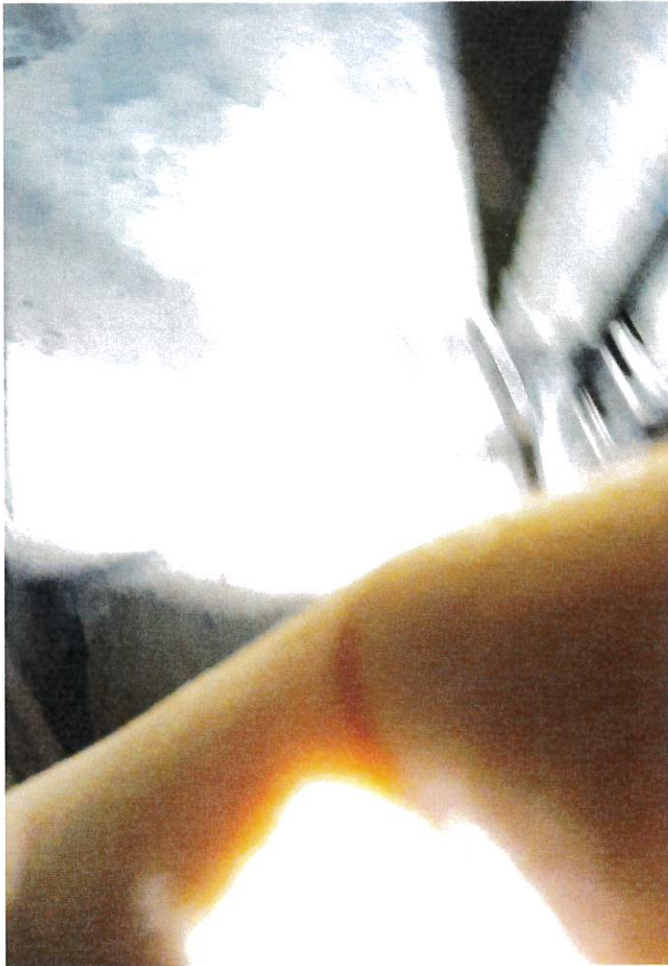
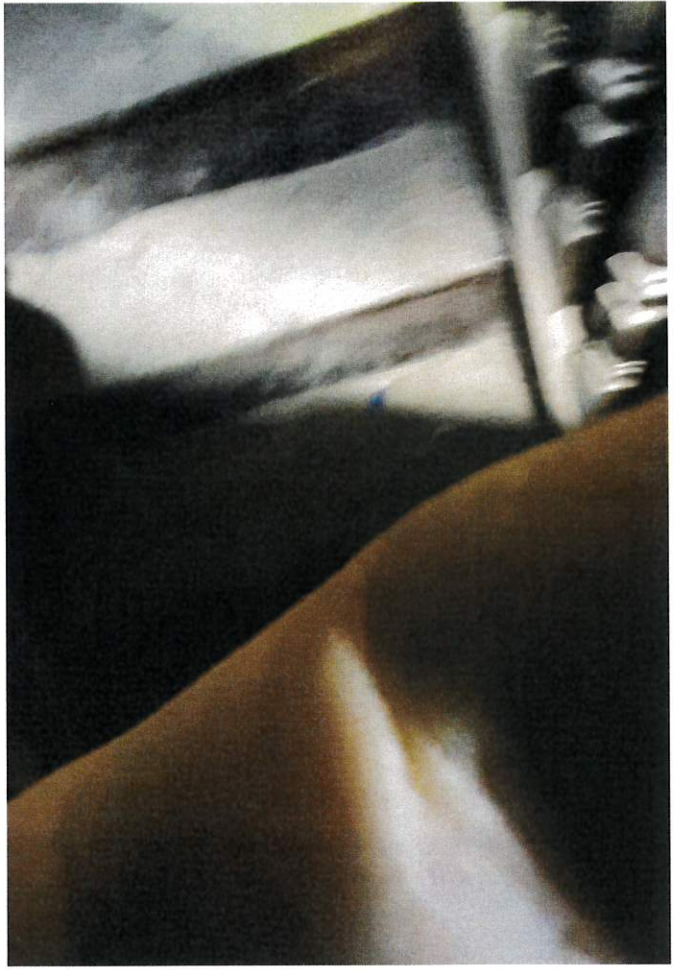


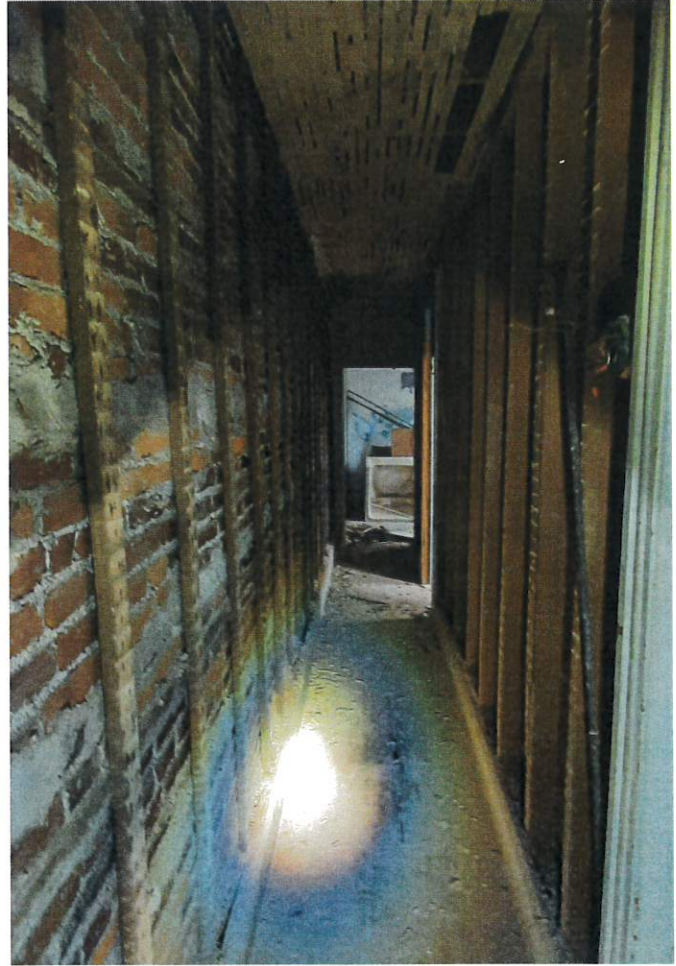
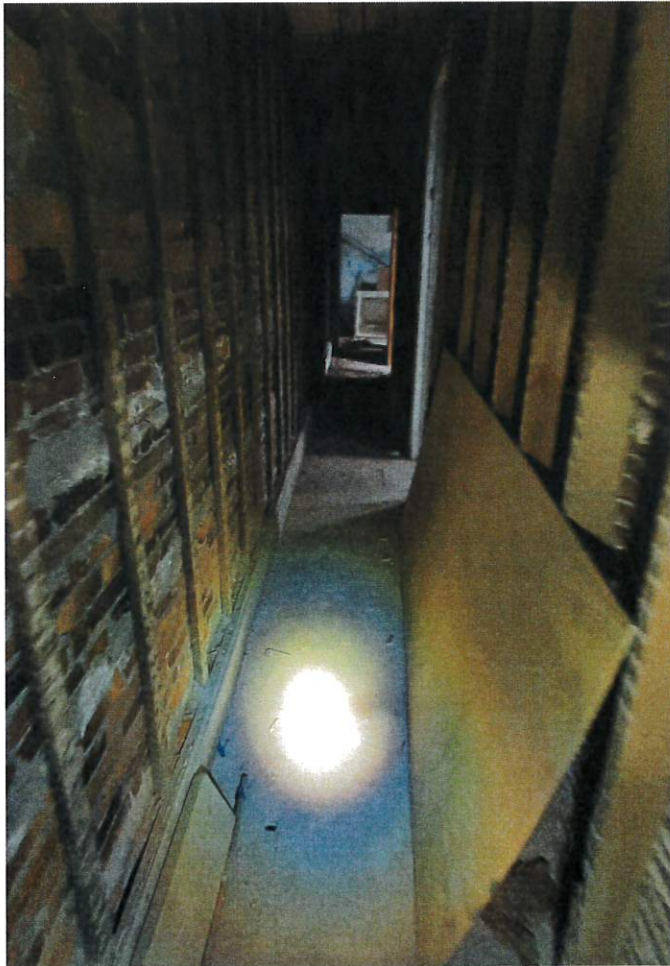
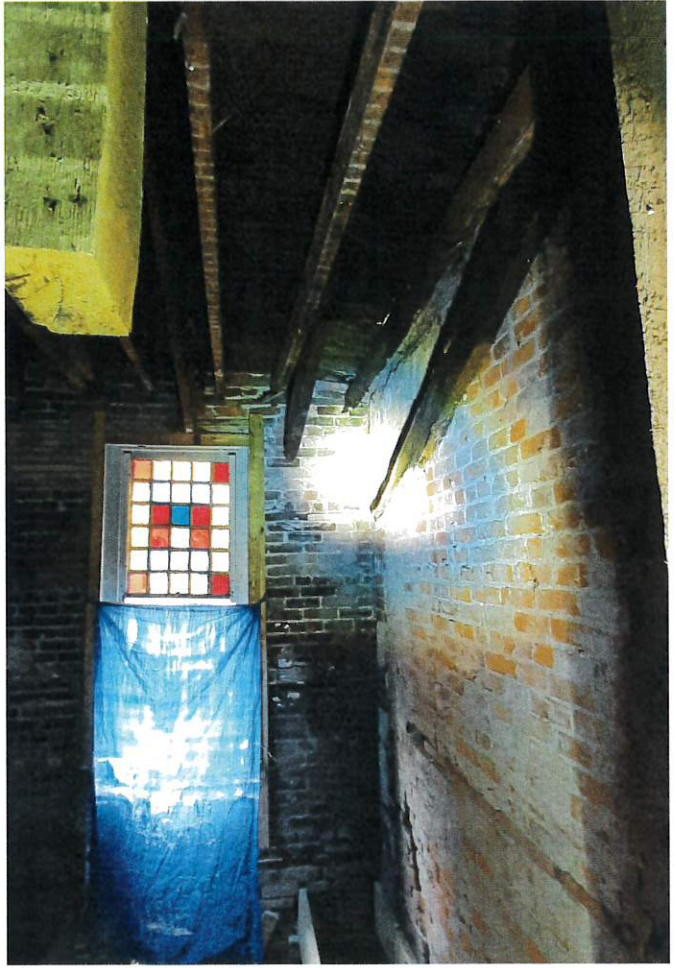


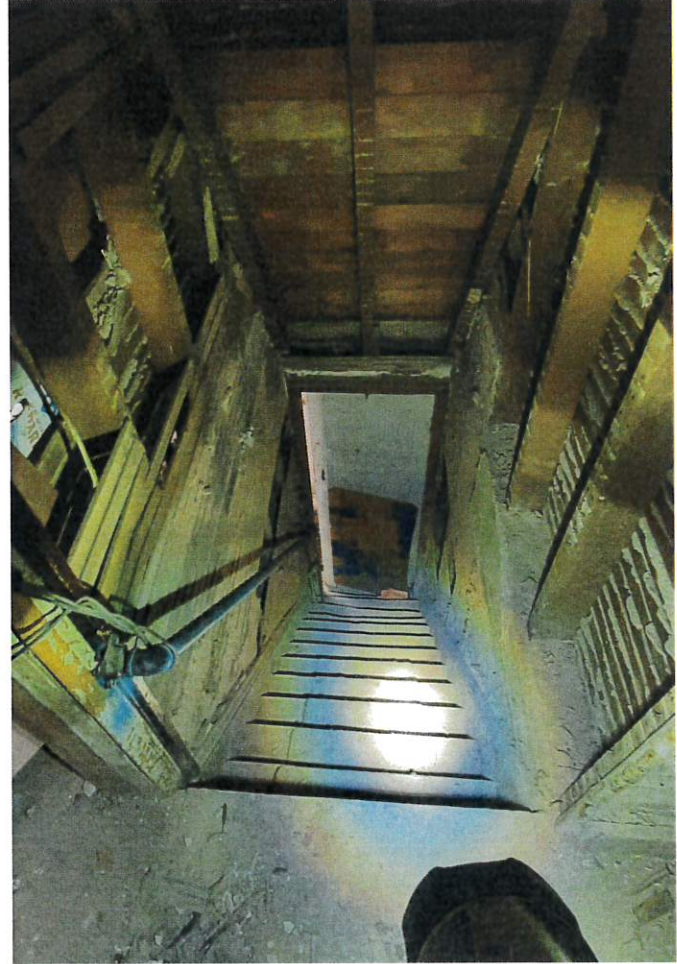


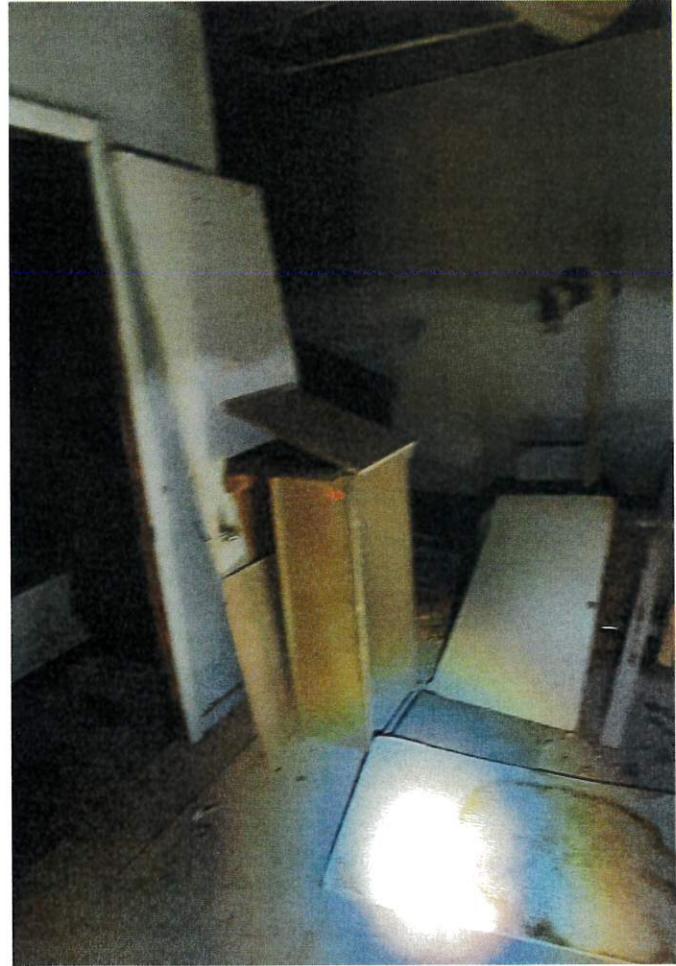
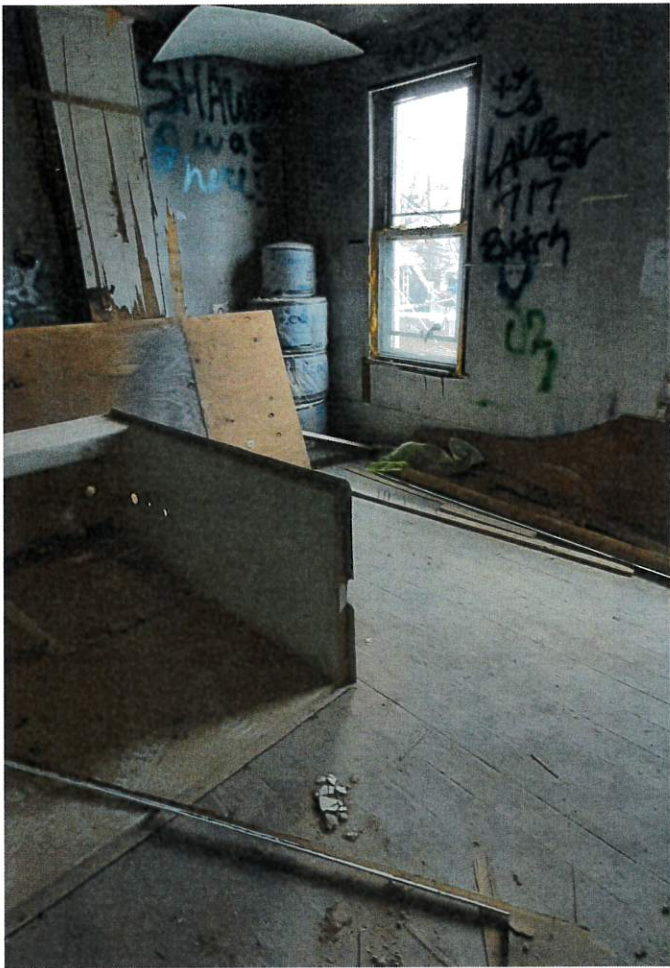


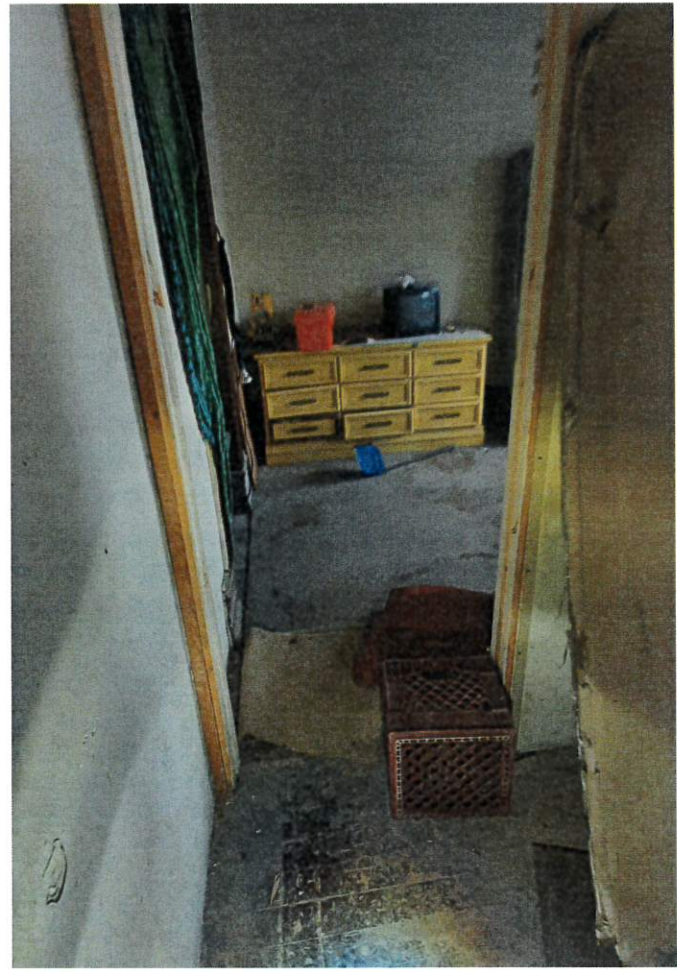
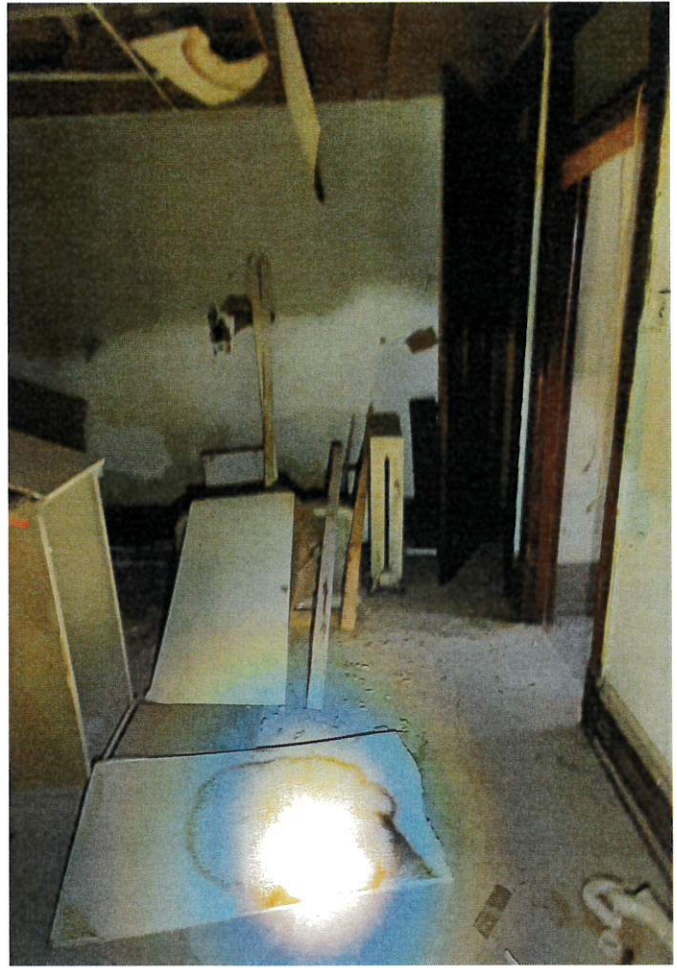
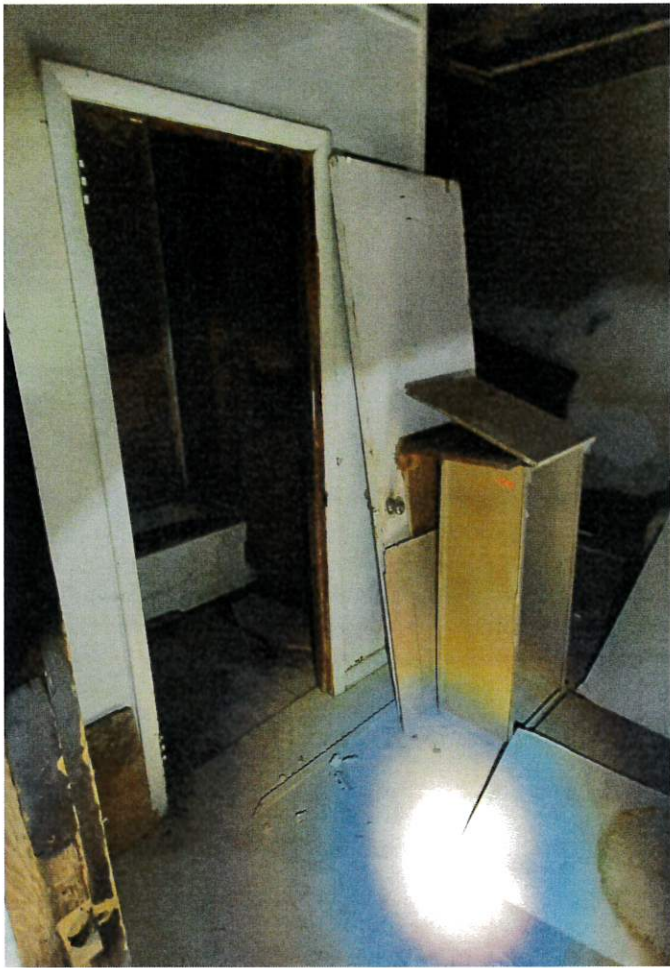


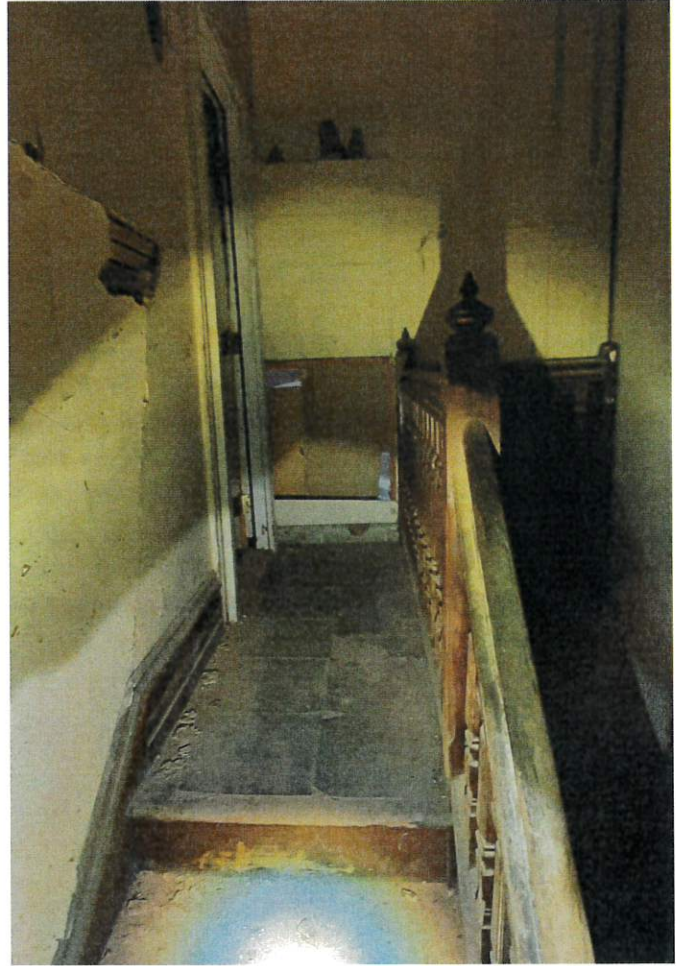


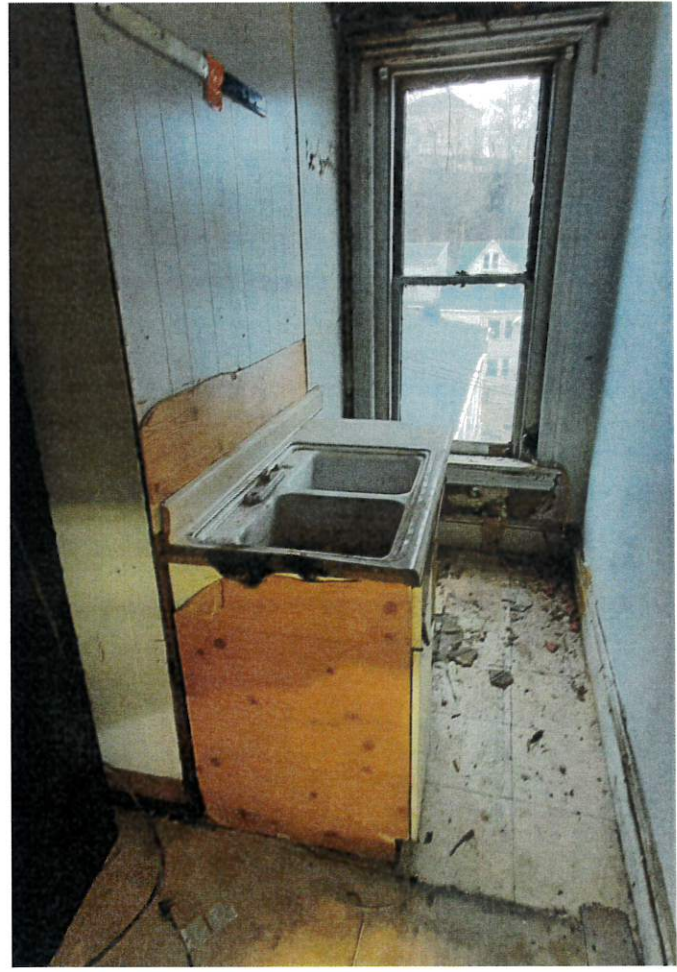
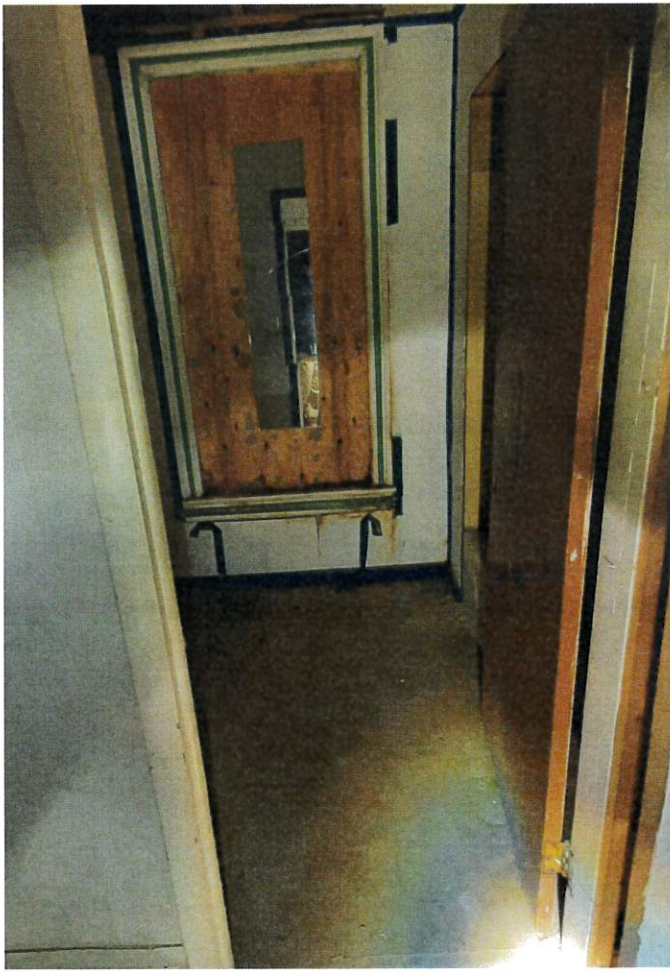
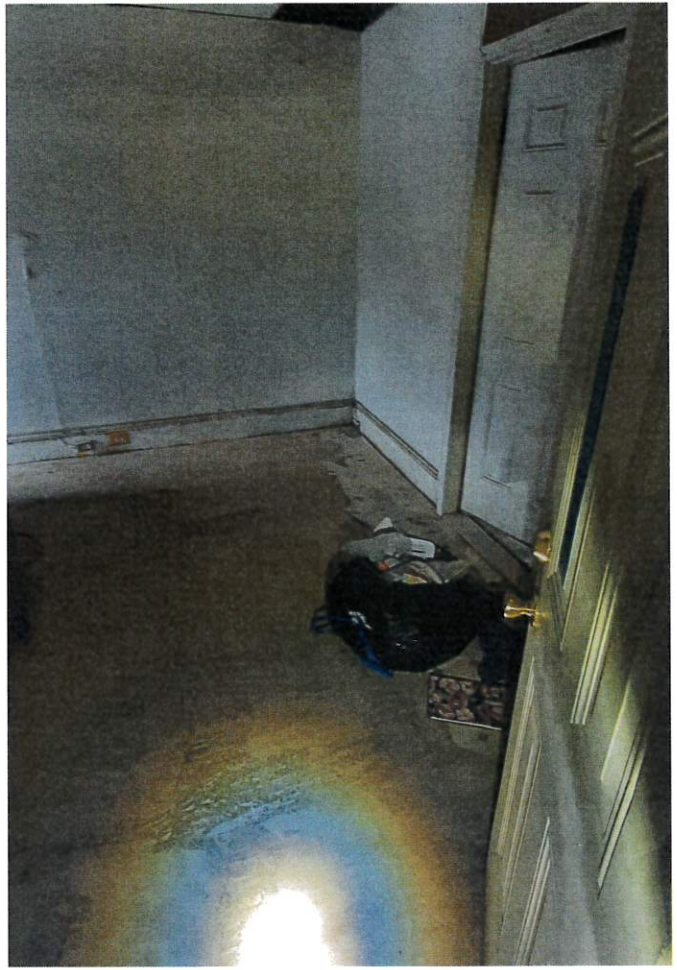




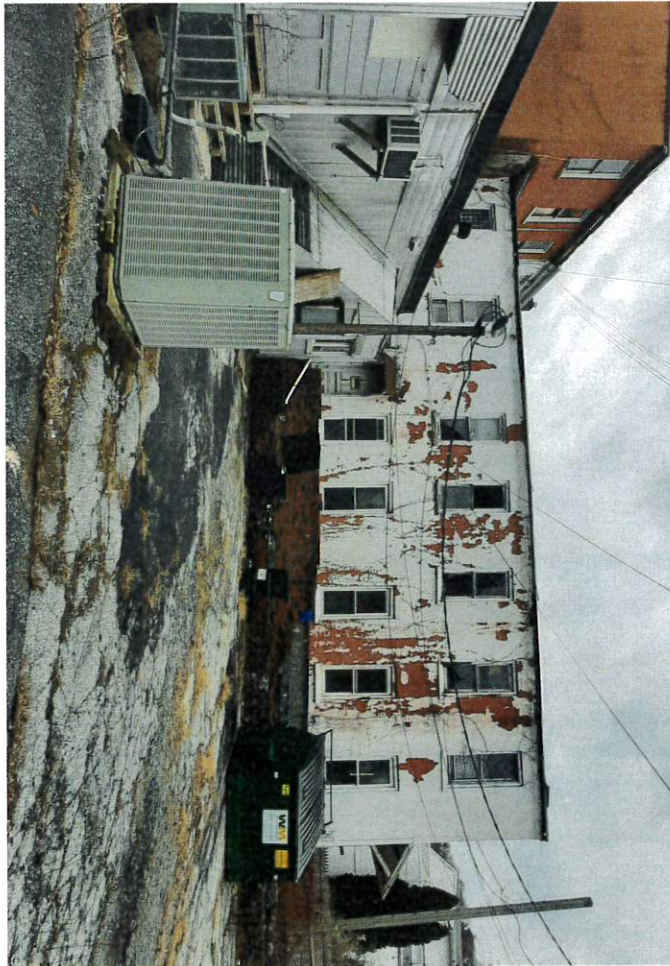




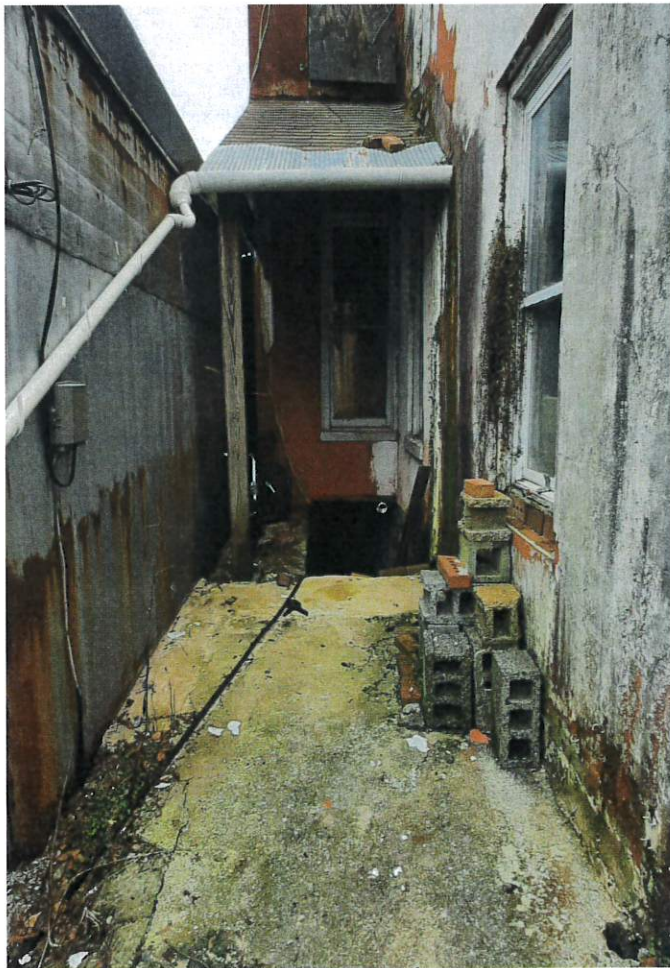
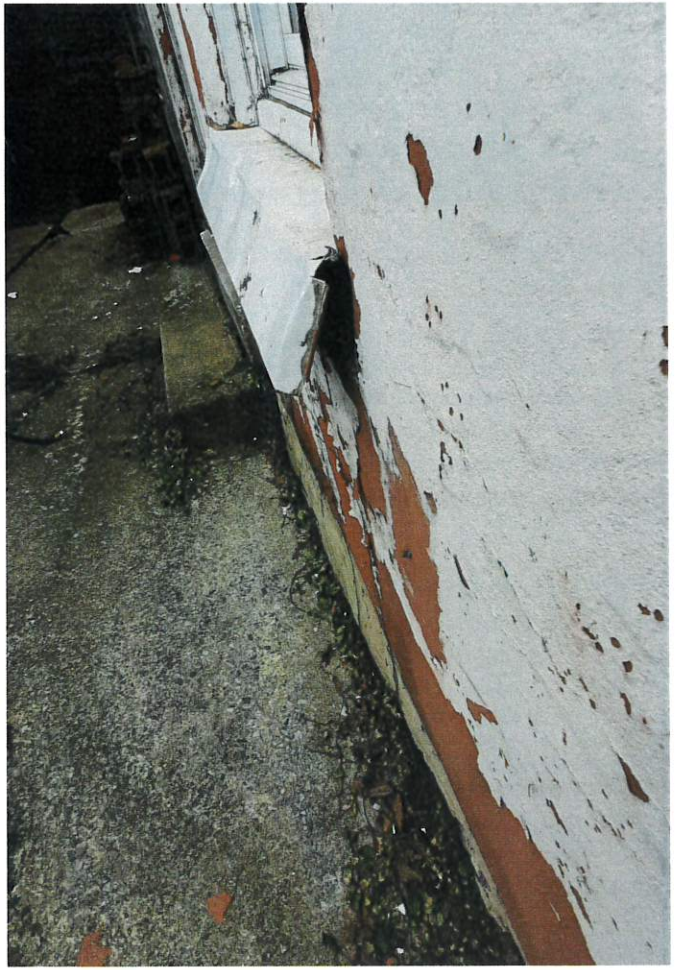


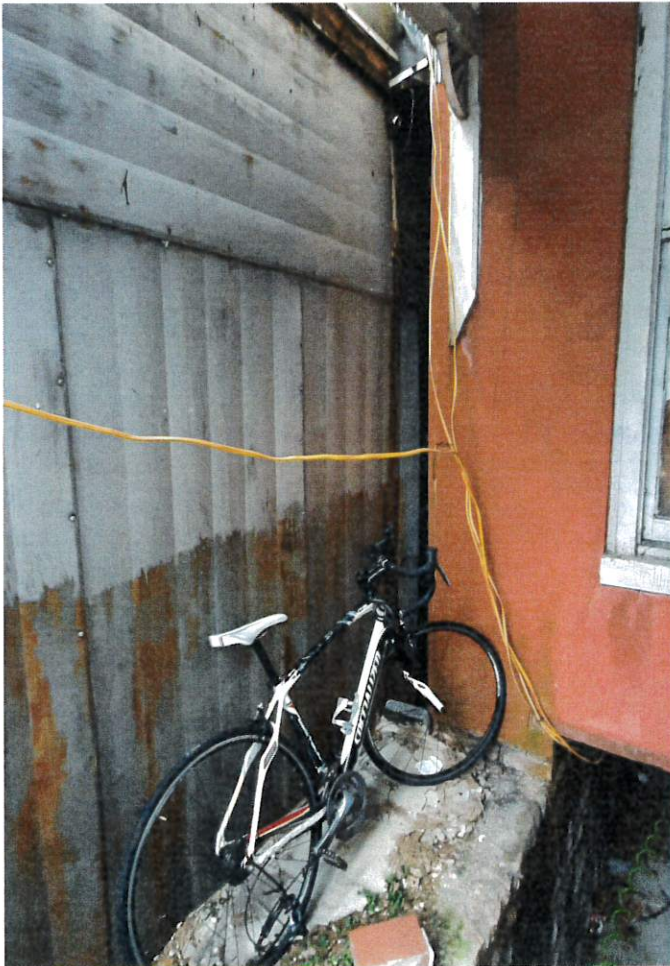
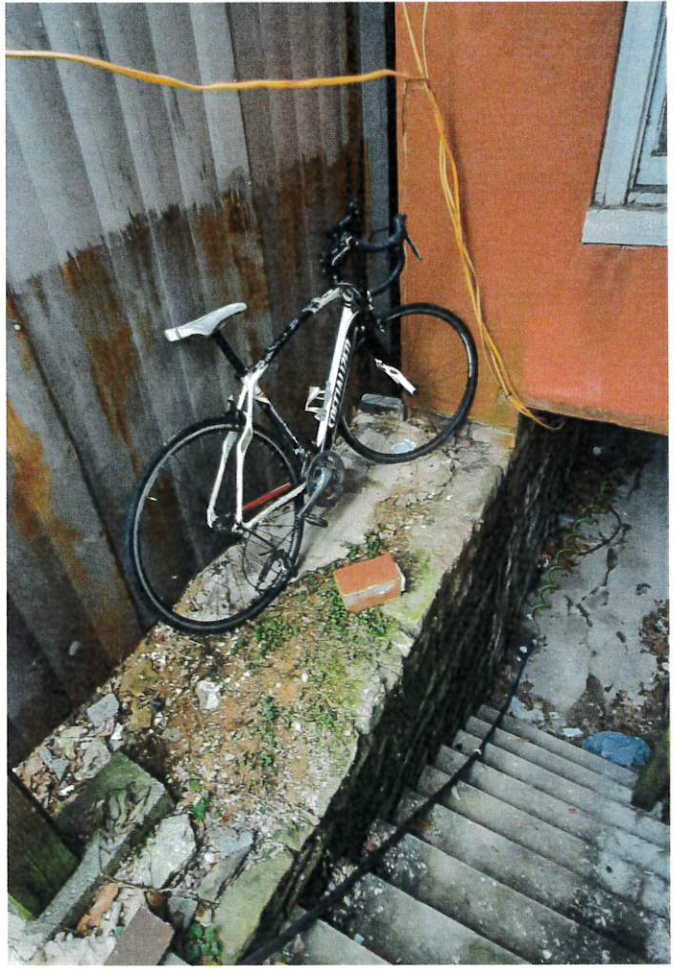


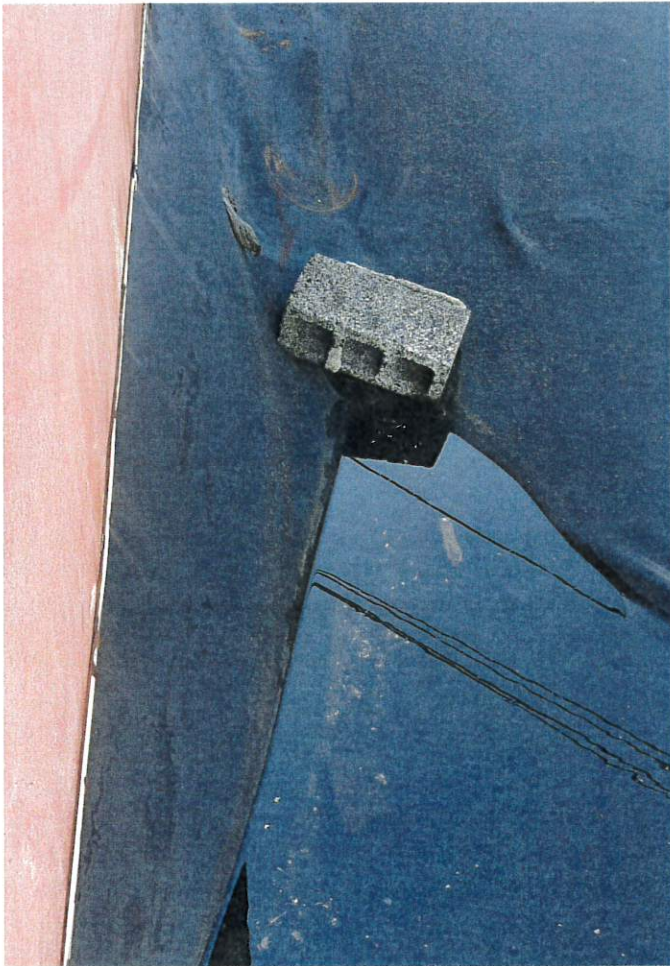
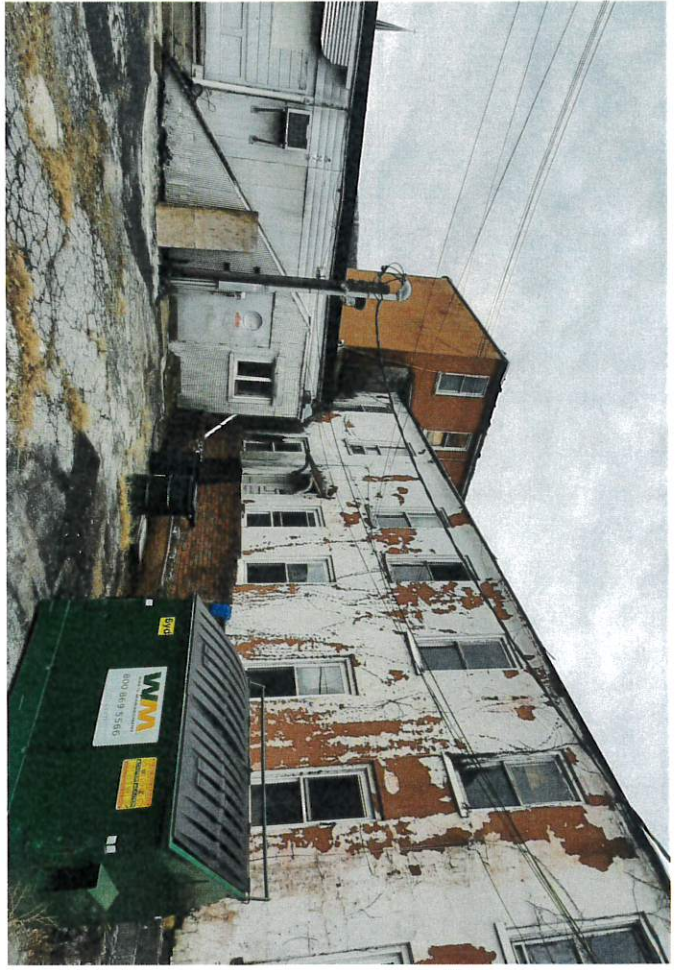












CHARLES YOURSHAW
ENGINEER

PHOTOGRAPHS AND REPORT







